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A  
VINDICATION

OF THE OPPOSITION OF THE INHABITANTS

OF

VERMONT

TO THE GOVERNMENT OF

NEW-YORK,

AND OF THEIR RIGHT ~~TO~~ FORM INTO AN INDEPENDENT

S T A T E.

Humbly submitted to the Consideration of the impartial  
WORLD.

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B. ETHAN ALLEN.

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PRINTED BY ALDEN SPOONER, 1779,  
Printer to the State of Vermont.

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*THIS Vindication is humbly inscribed to his Excellency the Governor and the Hon. the Council of the State of Vermont, by their most obedient humble Servant the Writer. If it meets with their Approbation and Patronage, he will esteem it a Compliment of Honor and Respect, and be still further satisfied if it may but contribute towards the Happiness and Establishment of the People on whose Behalf it was Wrote.*

*State of VERMONT.*

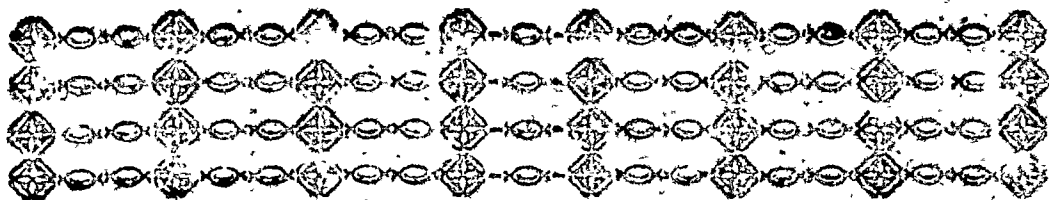
*In Council, Arlington, 23<sup>d</sup> of August, 1779.*

**R** E S O L V E D, That the following Vindication be forthwith published, and that a Number of the Pamphlets be sent to the Congress of the United States, and to the General Assembly of every of these States; and that a Number be likewise sent to the Generals and other principal Officers of the Continental Army, for their Consideration.

*Per Order of the Governor and Council.*

**JOSEPH FAY, Sec<sup>ry</sup>.**

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## A Vindication &c.

**T**HE very extraordinary demand, which the government of the State of *New-York* make on the grand Congress of the United States, to forthwith to decide in their favor, (and as they would have it *ex-parte*) that long and spirited controversy which has subsisted between them and the inhabitants of the territory now known by the name of *Vermont*, together with their representations of facts; has induced the government of *Vermont*, to publish to the impartial world, a further vindication of the conduct of those inhabitants than hath been already done, and exhibit to all wise and understanding Beings whom it may concern, the intrinsic causes, motives and reasons, of their assuming government.

It is well known that this contest was not occasioned by the late revolution, but existed many years before that the contending parties were greatly exasperated towards each other; and that those inhabitants had appealed from the decision of the courts, as by law established in the then province of *New-York*, to arms, and had announced to the public their reason for so doing.

A short state of the proceedings of both parties (being necessary to communicate to the public, in order to their rightly determining the merits of such an important dispute) is herewith given. And 1<sup>st</sup>. The government of *New-York* obtained the jurisdiction of the contested territory

territory in 1764, ex-parte and contrary to the minds of the original Grantees and Settlers under *New-Hampshire*, and therefore ought to be considered as null and void from the beginning. And secondly, The unaccountable and oppressive exercise which they have ever since made of the power of jurisdiction towards those inhabitants, altho' their legal claim of jurisdiction was ever so well grounded, would fully justify those inhabitants in their opposition to that government, and in their assuming independence.

No sooner had the government of *New-York* obtained the jurisdiction of their lands, but they proceeded to re-grant sundry large patents, interfering with prior grants from the government of *New-Hampshire*, at a time when the Grantees under *New-Hampshire* were in full possession of the very lands re-granted.

This reprehensible procedure of the government of *New-York*, laid those inhabitants under the necessity of remonstrating against that government. They therefore imposed *Samuel Robinson, Esq.* (then of *Barnington*) their Agent, to lay the same before the King and privy Council, together with a humble Petition from those inhabitants, that the jurisdiction of those lands might be restored to *New-Hampshire* again. The consequences of these measures were favorable to the Grantees under *New-Hampshire*, and were the means of obtaining the King's express prohibition to the government of *New-York*, to make no grants of lands in the disputed premises, on pain of his highest displeasure.

The government of *New-York* did, nevertheless presume in direct violation of the said prohibition, to grant most of the prohibited premises: and further proceeded to oppose the authority of the king, by erecting and establish

establishing the counties of *Cumberland* and *Gloucester*, which are contained in the territory in dispute, though the King had granted to the said government, his own approbation of the establishment thereof. And at the time when the new Independent States were subject to the royal authority.

In the year 1762, the claimants under the subsequent grants from *New-York*, and not relying on the original promises, brought action of Ejectment in their Supreme Court held at *Albany*, against sundry actual possessors who claimed the soil by virtue of prior grants from *New-Hampshire*. But most if not all the judges and assessors (particularly Messrs. *Dwight* and *Kemp*) which attended the court, were parties under *New-York*; and some of them interested in the very parties then on trial.

The plaintiffs appearing in great force and magnificent array, which together with their price of land shewes, made a brilliant appearance; but the defendants appearing in but ordinary fashion, having been greatly fatigued by hard labour wrought on the colonial armies, and their cause much weakened, made a very disproportionate figure at court. As for, interest, connection and grandeur, being all on one side, early motion was made against the honest defendants, and judgment without mercy in favour of the claimants under *New-York* was given against them. In the course of the trial, a grant of the township from *New-Hampshire* under which the defendants claimed being produced in court, and also a certificate from the Governor of *New-Hampshire* and his Secretary, that the said grant was regularly conveyed to the grantee whose names were subscribed on the back of the charter, it was nevertheless ruled that the same should not be read in court.

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Soon after, writs of possession were issued in form of law against the vanquished defendants, and new actions of ejectment were commenced against other of the inhabitants ; but their spirit was too great to bear such insults any longer ; they therefore resisted and defeated the officers in their attempts to gain possession.

DIRECTLY after these troubles, the Legislature of *New-York* passed a law annexing a penalty of thirty pounds fine and six Months imprisonment, on any of the subjects who should refuse to assist the sheriff when legally requested, to carry into execution those writs of possession.

THIS law had no sooner been promulgated, but Governor Tryon who then presided over the government, gave orders to the militia of *Albany* county, to assist the sheriff in executing the writs aforesaid.

THE inhabitants being thus drove to the extremity of either quitting their possessions or resisting the sheriff and his posse. In this state of desparacy they put on fortitude and chose the latter expedient, and managed with that bravery that they defended their possessions ; and the sheriff with his posse returned to their own land without any bloodshed on the occasion. But it should be confessed that this event was not altogether owing to the valour of the *green mountain boys*, for the militia were most generally persuaded that the cause of those inhabitants was just ; and that the *New-York* patentees were oppressive and unjust, and therefore they would not hazard their lives to assist them in such usurpation of the rights of their fellow men, and in the event were sure to be no gainers turn which way it would.

AFTER this ineffectual muster of the militia, the land schemers adopted different measures to accomplish their designs,

designs, perceiving that the militia would not fight for their tublequent and exorbitant claims ; and as to themselves, they were a jesuitical and cowardly junto of scoundrels, not inured to danger, hardships, or the horrors of war, durst not fight for their own claim ; their accustomed way to carry points being to deceive, cheat, and over reach the commonality of their species under pretext of law, justice, and good government. These are their horns of iron, and with them they do push. They were therefore obliged to follow their old and beaten road of politics ; and by their influence caused a number of the leading men among those inhabitants, to be indicted as rioters, designing to have made such an example of them, as to fright the inhabitants in general to a tame compliance with the decisions of their courts of law, or which is the same thing, to yield up their property to them, and become their tenants and slaves.

The inhabitants in general were apprised that this was their design, and guarded against it ; were very active and vigilant in defending their friends and neighbours indicted as aforesaid ; being fully persuaded that the said junto of patentees had in those very indictments for their object, the very lands which they the aforesaid inhabitants possessed.

SUNDRY proclamations under the signature of governor Tryon were issued, for the express purpose of apprehending those inhabitants which he was pleased to denominate riotous, licentious, disorderly, &c. and large rewards therein were offered for that purpose ; but the governor and whole catalogue of patentees, had the mortification to be baffled in their attempts to take rioters (as they phrased it) during the course of three years ; and the green mountain boys prevailed against them,

them, seized their magistrates and emiffaries; and in fine, all those their abettors which dared to venture upon the contended lands, and chastised them with the whips of the wildernels, the growth of the land which they covered.

AND on the 9th day of *March* 1774, the legislative authority of the province of *New-York*, did pals twelve acts of oulawry, against those inhabitants, and they on their part published a declaration of a defensive war; against the government of *New-York*, on the 26th day of *April* following; and extended their settlements and emigrants from *New-England*, increased their power, and they built fortifications in their frontier settlements, against the government of *New-York*, and garrisoned them, and prospered until the late *glorious revolution*.

A PARTICULAR history of this controversy from the commencement of it down to this æra, having been written by the writer of this vindication, and published in 1774. Intituled *A brief Narrative of the proceedings of the government of New-York &c.* it will be therefore needless, as also too prolix, to give the contents a place in this; and for this reason some memorable parts of it only are subjoined: and to the whole is added as an appendix, nine sections of the same; holding forth a clear confutation of a *New-Yorkish* doctrine, recently propagated, of an antient right of theirs to the jurisdiction of the territory in dispute, with a chain of arguments calculated on an extensive scale, and predicated on undeniable facts; evincing that the right of soil to the lands contained in the limits of the *New-Hampshire Grants* was conveyed to the grantees, by virtue of the respective grants; that their right to the lands therein contained is indisputable; and that the royal adjudication of the boundary

boundary line between the governments of *New-Hampshire* and *New-York*, should have operated as a line of jurisdiction only, and not in any measure to effect the property of the subject. Without the consideration of these arguments on the right of title of those lands, a just conclusion on the controversy cannot be drawn; for if those settlements were an intrusion on the right of the government of *New-York*, it would in a great measure extenuate their conduct towards them; but if on the grounds of justice and solid argument the *New-Hampshire* Grants are good and valid, it must of necessity invalidate the *New-York* interfering grants, and leave that government no excuse for their abuse to those inhabitants. This we refer to the public and proceed to the later stages of the controversy.

The approaching rupture between *Great-Britain* and the *Colonies* was matter of serious reflection to the inhabitants of this frontier; their controversy with *New-York*, having (at a great expence) been previously submitted to the king and privy council, by the negotiation of special agents at two different times, and was in a high probability of being determined in their favor; which influenced some of the inhabitants to take a part with *Great-Britain*; the more so, as this part of the country was a frontier, and of consequence would be greatly under the enemy's power, who was then in possession of *Ticonderoga*, *Crown-Point* and *St. Yeger*, and commanded the lake with a vessel of force bellies. At the same time their settlements were extended on the east side of the lake almost to the province of *Quebec*. This

was their situation when on the very eve of a war with *Great-Britain*.

THE battle of *Lexington* almost distracted them, for interest inclined them to favor the royal side of the dispute, but the stronger impulses of affection to their country, excited them to resent its wrongs, and obtain satisfaction for the blood of their massacred countrymen. Their condition was truly perplexed and critical : their hopes were placed on the royal authority for their deliverance from the incroachments and oppressions of the government of *New-York* ; but the ties of consanguinity, personal acquaintance and friendship, similarity of religion and manners to the *New-England* governments from whom these inhabitants had most generally emigrated, weighed very heavy in their deliberations ; besides, the cause of the country was generally believed to be just ; and that resistance to *Great-Britain* had become the indispensable duty of a free people. But there was one very knotty query, which exercised the minds of their best politicians, viz. : Provided they should take an active part with their country. And furthermore. Provided an accommodation should take place, and the colonies return to their former allegiance, what would then become of them or their remonstrances against the government of *New-York*, lodged at the court of *Great-Britain* ? but this danger seems to have been luckily passed over.

Soon after the news of the *Lexington* battle, the principal officers of the green mountain boys, and other principal inhabitants were convened at *Bennington*, and attempted to explore futurity, but it was found to be unfathomable ; and the sciences which  
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have since taken place, then appeared to be precarious and uncertain. However, it was imagined that provided those inhabitants were loyal to their country, and the event of the war should prove favorable to *America*, and their struggles for liberty should bring about a revolution in stead of a rebellion; that in this case they should rid themselves of the grievous usurpation of the government of *New-York*, and be entitled and readily admitted to any privileges which could reasonably be expected on revolution principles, which undoubtedly will be the consequence; (for it can hardly be doubted, that provided the said inhabitants had exercised the same degree of loyalty to the king that they have to the country, they might have shared as great privileges from the royal favor, as they now request of Congress, viz. Provided the event of the war had proved as successful to *Britain* as it has to *America*.) And as every of the colonies and plantations were then taking arms for the mutual security of their liberty; and it was equally just and incumbent on the inhabitants of the *New-Hampshire* Grants, to do the same. It was therefore resolved to take an active part with the country, and thereby annihilate the old quarrel with the government of *New-York*, by swallowing it up in the general conflict for liberty; at that time not apprehending the least danger (on the proviso of a revolution's taking place) that congress would resolve them to belong to the government of *New-York*; or in any manner countenance their being deprived of their liberty by subjecting them under the power of a government which they detest more than that of the British, which

which they have manfully assisted the United States to suppress.

BUT the enemy having the command of lake *Champlain* and the garrisons contiguous to it, was ground of great uneasiness to those inhabitants who had extended their settlements on the rivers *Otter-creek*, and *Onion-river*, and along the east side of the lake aforesaid, who, in consequence of a war, would be under the power of the enemy. It was therefore projected to surprise the garrisons of *Ticonderoga* and *Crown-Point*, with the armed vessel in the lake, and gain the command of that important pass; in as much as such an event would in a great measure secure those inhabitants from the enemy, obliging them to take post in *Canada*: but whether such a measure would be agreeable to congress or not they could not for certain determine. But it was apprehended that if those posts were not soon taken they would be strongly reinforced, and become impregnable to any attack short of a regular siege, for which, at that time, the country were very deficient in the articles of artillery, &c.

WHILE these matters were deliberating, a committee from the council of *Connecticut* arrived at *Bennington*, with advice and directions to carry into execution the surprise of those garrisons; and, if possible, to gain the command of the lake. Which was done without loss of time.

DURING near two years in the first of the war with *Britain*, the inhabitants of these contested lands governed themselves, and managed their internal police under the direction of committees and conventions, as they had done from the commencement of their  
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controversy with the government of *New-York*, a small number of the inhabitants excepted, who are situate in the southeast corner of *Cumberland* county, who adhere to the government last mentioned, and are part of them Tories.

On the 15th day of *January* 1777, the inhabitants of the *New-Hampshire* Grants to the westward of *Connecticut*-river, at a general convention, abrogated their former modes of government, *viz.* by committees and conventions, and declared themselves A FREE AND INDEPENDENT STATE, and have formed their constitution and mode of government, elected their officers both civil and military ; and made and established a code of laws for the future government of the State.

AND in consequence of their frontier situation have been invaded by *Britons, Hessians, Savages*, and more savage *Tories* ; and have (as they humbly conceive) in their various struggles for liberty, fairly merited the inestimable enjoyment of it. This they consider as the ultimate reward of their many expensive toils, battles, and hazards ; and for the attainment of which, they have endured such an uncommon series of concomitant evils.

On the 23d day of *February* 1778, his excellency governor CLINTON, in pursuance of the request of the Senate and Assembly of the State of *New-York*, issued his proclamation, which is here transcribed, with the answer to the same, which was published in *August* following.

By his Excellency GEORGE CLINTON, Esq; Governor of the State of *New-York*, General of all the Militia, and Admiral of the Navy of the same.

## A P R O C L A M A T I O N.

L. S. WHEREAS the Senate and Assembly of this state, did, by their several resolutions passed the twenty-first day of this instant month of *February*, declare and resolve, That the disaffection of many persons, inhabiting the north eastern parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, clearly included within the ancient, original, true and lately established bounds of this state, arose from a contest, about the property of the soil of many tracts of land, within those parts of the said counties respectively.

THAT the said contest was occasioned partly by the issuing of divers interfering patents or grants, by the respective governments of *New-York*, on the one part, and those of *Massachusetts-Bay* and *New-Hampshire*, on the other, antecedent to the late establishment of the eastern boundary of this state ; partly by an higher quit-rent reserved on the said lands, when re-granted under *New-York*, than were reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*, and the exorbitant fees of office accruing thereon ; and partly by a number of grants made by the late government of *New-York* after the establishment of the said eastern boundary, for lands which had been before granted by the governments of *New-Hampshire* and *Massachusetts-Bay*, respectively, or one of them ; in which last mentioned grants by the late government of *New-York*, the interest of the servants of the crown, and of new adventurers, was, in many instances, contrary to justice and policy,

licy, preferred to the equitable claims for confirmation of those who had patented the lands under *New-Hampshire* or *Massachusetts-Bay*.

THAT the aforesaid disaffection has been greatly increased, by an act passed by the legislature of the late colony of *New-York*, on the ninth day of *March*, in the year of our Lord one thousand seven hundred and seventy four, entitled, "An Act for preventing tumultuous and riotous assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters." That many of the aforesaid disaffected persons, though unjustifiable in their opposition to the authority of this state labour under grievances arising from the causes above mentioned, which in some measure extenuate their offence; and which ought to be redressed.

THAT therefore the legislature of this state, while on the one hand, they will vigorously maintain their rightful supremacy over the persons and property of those disaffected subjects, will on the other hand, make overtures to induce the voluntary submission of the delinquents.

THAT an absolute and unconditional discharge, and remission of all prosecutions, penalties and forfeitures, under the above-mentioned act, shall be an established preliminary to such overtures; which overtures are as follows, viz.

1<sup>st</sup>. THAT all persons actually possessing and improving lands, by title under grants from *New-Hampshire* or *Massachusetts-Bay*, and not granted under *New-York*, shall be confirmed in their respective possessions.

2d. THAT all persons actually possessing and improving lands, not granted by either of the three governments, shall be confirmed in their respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possession, as may be necessary to form the same into a convenient farm; so as the quantity to be confirmed to each respective person, including his possession, shall not exceed three hundred acres.

3d. THAT where lands have heretofore been granted by *New-Hampshire* and *Massachusetts-Bay*, or either of them, and actually possessed in consequence thereof, and being so possessed, were afterwards granted by *New-York*, such possessions shall be confirmed, the posterior grant under *New-York*, notwithstanding.

*Provided always*, That nothing in the above regulations contained, shall be construed to determine any question of title or possession, that may arise between different persons claiming under *New-Hampshire* or *Massachusetts-Bay*, or between persons claiming under *New-Hampshire* on the one, and under *Massachusetts-Bay* on the other part, independent of any right or claim under *New-York*.

4th. THAT with respect to all such cases, concerning the aforesaid controverted lands, as can not be decided by the rules existing in the foregoing articles, or some or one of them, the legislature of the State of *New-York*, will provide for the determination of the same, according to the rules of justice and equity arising out of such cases respectively, without adhering to the strict rules of law.

5th. THAT in all cases where grants or confirmations shall become necessary, on acceptance of the above overtures, such grants or confirmations, shall issue to the grantees, at and after the rate of five pounds for a grant or confirmation of three hundred acres or under, and for every additional hundred acres, the additional sum of sixteen shillings; except in cases, where lands shall be granted or confirmed to divers persons in one entire tract, in which case the grants shall issue, respectively, for fifteen pounds each, which allowances shall be in lieu of all other fees or perquisites whatsoever.

6th. THAT whenever, agreeable to the above regulations; new grants or confirmations shall become necessary under this state; for lands heretofore granted by *New-Hampshire* or *Massachusetts-Bay*, the same quit-rent only shall be reserved, which was reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*.

7th. THAT where lands heretofore granted by *New-Hampshire* or *Massachusetts-Bay*, have been since confirmed to such grantees by new grants under *New-York*, the quit-rents on such lands, shall be reduced to what they were in the original grants, under *New-Hampshire* or *Massachusetts-Bay*.

8th. THAT in order to encourage the settlement of the aforesaid disputed lands, in a peaceable subjection to the authority and jurisdiction of this state, and also of all other lands held within and under this state, the following commutation for the quit-rents, shall be allowed, viz. That on payment, at the rate of two shillings and six-pence lawful money of this state, into the treasury of this state, for every  

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penny

penny sterling of quit-rent reserved, or on delivery into the same, of seventeen times the quantity of grain, or other commodity reserved for such quit-rent, the same shall thence forward be utterly discharged, and for ever cease and be extinguished.

THAT these overtures should be offered with a view, not only to induce the aforesaid discontented inhabitants of the counties of *Albany, Charlotte, Cumberland* and *Gloucester*, to return to a lawful and rightful obedience to the authority and jurisdiction of this state ; but also in favor of all others whom the same may concern ; and to be of no avail to any person or persons whatsoever, who shall after the first day of *May* next, yield or acknowledge, any allegiance or subjection to the pretended state of *Vermont*, the pretended government thereof, or to any power or authority, pretended to be held or exercised thereunder.

THAT the foregoing overtures, on the condition above expressed, be tendered for acceptance to all persons, to whose case the same, or any or either of them, do, or shall apply, upon the public faith and assurance of the legislature and government of this state of *New-York*, pledged to such person and persons for the purpose.

THAT the several branches of the legislature of the state of *New-York*, will concur in the necessary measures for protecting the loyal inhabitants of this state, residing in the counties of *Albany, Charlotte, Cumberland* and *Gloucester*, in their persons and estates, and for compelling all persons, residing within this state, and refusing obedience to the government and legislature thereof, to yield that obedience  
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and allegiance, which, by law and of right, they owe to this state.

*And whereas,* The said Senate and Assembly of this state of *New-York*, have also, by their resolution requested me to issue my Proclamation, under the privy seal of this state, reciting their aforesaid declarations and resolutions, and strictly charging and commanding all manner of persons, in the name of the people of the state of *New-York*, to take due notice thereof, *at their peril*, and govern themselves accordingly.

I DO THEREFORE *hereby, in the name of the people of the state of New-York*, publish and proclaim the aforesaid declarations and resolutions; and I do hereby, strictly charge and command all manner of persons within this state, at their peril, to take due notice of this proclamation, and of every article, clause, matter and thing therein recited and contained, and to govern themselves accordingly.

*Given under my Hand, and the Privy Seal of the State of New-York, at Poughkeepsie, in the County of Dutchess, the Twenty Third Day of February, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight.*

GEO. CLINTON.

G O D save the P E O P L E.

T H I S proclamation, after mentioning a disaffection of many persons inhabiting the northeast parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, proceeds

proceeds to affirm that these tracts of country were clearly included within the ancient, original, true and lately established bounds of the state of *New-York*.

THAT many, nay, almost the whole of the inhabitants in those countries, *alias*, the state of *Vermont*, are disaffected to the government of *New-York*, will not be disputed. This is a fact; But it is not a fact, that the ancient, original and true bounds of *New-York* included those lands. The first intimation that ever saluted the ears of the public, asserting this doctrine, was, from a proclamation of governor *Tryon's*, dated the 11th day of *December*, 1771, which begins thus: "Whereas, it is the ancient and incontestible right of this colony, to extend to *Connecticut-river* as its eastern boundary." This assertion hath been answered at large in my Treatise on the Conduct of this Government towards the *New-Hampshire* Settlers, to which I refer the reader, and at present observe, that as the quoted assertions in these proclamations, are wholly without foundation, they need only to be as positively denied as they are asserted. The fact is, that the tract of land which now comprehends the state of *Vermont*, was universally known to be in the government of *New-Hampshire*. Thus it was placed by all Geographers in their maps, 'till the year 1764, when the now *English* King, for certain political reasons, which I shall mention, extended the jurisdiction of *New-York* over the premises, by his special royal authority. At the time of the alteration of this jurisdiction, jealousies had fir'd the minds of king and parliament against the growth and rising power of *America*, and

at this time they began to advance men and governments into power, with a political design to crush the liberties of *America*. *New-York* had ever been their favorite government : They could almost vie with *Great-Britain* in the art of vassalizing common people, and in erasing every idea of liberty from the human mind, by making and keeping them poor and servile. This *Great-Britain* well knew, and therefore seized a large territory from *New-Hampshire*, and added it to *New-York*, to depress the power of the one, and enlarge and extend the other. A well concerted plan : But the *green mountain boys* disconcerted it, by throwing their weight in to the scale of congress, which, thank God, has fairly ponderated. Thus may be seen the design, as well as date, of the original, ancient and true bounds of the state of *New-York's* being extended over the state of *Vermont* ; and for the same reason it was thus exceeded by *Great-Britain*, it will undoubtedly be curtailed by congress.

As to the acts of outlawry, mentioned in the proclamation, they died a natural death the first day of *January* 1776, as may be seen from the act itself, here quoted : " And be it further enacted by the " authority aforesaid, that this act shall remain and " continue in full force and effect, from the passing " thereof, until the first day of *January*, which will " be in the year of our Lord, one thousand seven " hundred and seventy-six."

THE subjects of the state of *Vermont*, were under no apprehensions from these old hateful acts : Nor do I conceive, that the present legislature of the state of *New-York* have laid them under any obligation.

tion, in granting them a pardon. It was a matter which formerly respected governor Tryon, the old legislature of *New-York*, and the *green mountain boys*; and the party last mentioned, choose to let it be that old quarrel with Mr. Tryon, and resent it, that the legislature of the state of *New-York* have, so late in the day, undertook to give an "Unconditional discharge and remission of all penalties and forfeitures incurred," under an act which had been long dead; and which, when alive, served only to discover to the world, the wickedness and depravity of that legislative body which enacted them. In the lifetime of this act, I was called by the *Yorkers* an outlaw, and afterwards by the *British* was called a rebel; and I humbly conceive, that there was as much propriety in the one name as the other, and I verily believe, that the king's commissioners would now be as willing to pardon me for the sin of rebellion, provided I would afterwards be subject to *Britain*, as the legislature above-mentioned, provided I would be subject to *New-York*; and, I must confess, I had as leave be a subject to the one as the other, and, it is well known, I have had great experience with them both.

NEXT, I propose to consider that part of the proclamation called Overtures, which are contained in the three first articles. Article 1st. "That all persons actually possessing and improving lands, by title under grants from *New-Hampshire* or *Massachusetts-Bay*, and not granted under *New-York*, shall be confirmed in their respective possessions."

THIS first article cannot be considered of any material consequence, inasmuch, as among almost the

the whole possessions referred to in the article, there are but very few if any, but what are covered with *New-York* grants.

THE second article is as follows : " That all persons possessing and improving lands, not granted by either of the three governments, shall be confirmed in their respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possessions, as may be necessary to form the same into a convenient farm, so as the quantity of land to be confirmed to each respective possession, shall not exceed three hundred acres."

NEITHER of these two first articles, called Overtures, affect the controversy, except in some very few instances, inasmuch as all, or in a manner all the possessions spoken of, were first granted by *New-Hampshire*, except some few which were granted by *Massachusetts Bay*; and then, lastly, almost the whole of those possessions regranted by *New-York*. This being the case, what has been hitherto proposed, does not reach the essence of the controversy, as the *New-Yorkers* very well know; besides, it is not in the power of the government to confirm any of those possessions which have been already granted, and therefore become the property of the grantees, as will be more fully discussed in its proper place. I proceed to the third article of the much boasted Overtures.

" THAT where lands have been heretofore granted by *New-Hampshire* and *Massachusetts-Bay*, or either of them, and actually possessed in consequence thereof, and being so possessed, were af-

terwards

“ afterwards granted by *New-York*, such possession  
 “ shall be confirmed, the possessor grant under  
 “ *New-York* notwithstanding.”

THOUGH it is absolutely out of the power of the said legislative authority, to confirm the possessions mentioned ; yet, to discover their want of generosity in their proposal, I shall, in the first place, consider what a trifling proportion of those possessions could be confirmed upon their own stating ; inasmuch, as the confirming clause in the article, only confirms the possessor, who being so possessed at the time that the *New-York* grant was laid, and has no respect to any additional possession carried on after the grant took place : The identical words are, “ And being so possessed, were afterwards granted “ by *New-York* ;” *viz.* After such possession was actually made, and the possessor being so in possession at the time the grant took place, such possession shall be confirmed, but any later possession cannot be included in the condition of “ being so possessed ;” for, a later possession was no possession at all at the time the condition of possession took place ; and consequently, every possession which has been begun in the state of *Vermont*, since the lands were granted by *New-York*, must be lost to the possessor, and fall into the hands of the *New-York* grantees, with all other uncultivated lands in the state ; and all our purchases of those lands from *New-Hampshire* and *Massachusetts-Bay*, fall to the ground, together with our possessions, which have been increased an hundred fold.

THESE Overtures have hitherto been considered only in a grammatical and logical sense, allowing them

them their own construction ; I now proceed to consider them in a law sense. A legislative authority, within its own jurisdiction, may confirm a possession on vacant land, by making a grant of the same to the possessor : But, for the legislative authority of the state of *New-York*, to pretend as they do in their proclamation, to vacate any grants made by their own authority, in favor of any possession, and to confirm such possessions, by nullifying and retracting their own grants, is the height of folly and stupidity : For, the lands being once granted, the property passeth to the grantee, who is become the true proprietor of the same ; and he is as independent of that legislative authority which granted it, as any person may be supposed to be, who purchaseth a farm of land of me by deed of conveyance ; and it is as much out of the power of that legislature to vacate a grant made by them, or the same authority, in favor of any possessor, as it is out of my power to vacate my deed of conveyance in favor of some second person. It is contrary to common sense to suppose, that the property of the subject is at the arbitrary disposal of the legislature : If it was, they might give a grant to day, and vacate it to morrow, and so on, *ad infinitum*. This would destroy the very nature and existence of personal property, as the whole would depend on the sovereign will and last act of the legislature : But the truth of the matter is, the first conveyance will, and ought to hold good ; and this defeats all subsequent conveyances.

From what has been said on this subject, it appears, that the overtures in the proclamation set  
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forth, are either romantic, or calculated to deceive woods people, who, in general, may not be supposed to understand law, or the power of a legislative authority.

I HAVE further to evince my arguments on this subject, by the concurring opinion of the Lords of the Board of Trade, on complaint made to them from those very persons, possessing the land we are speaking of. That clause of their report which is similar to what I have argued, is in these words :  
 “ Such subsequent grants made by the government of  
 “ *New-York*, however unwarrantable, cannot be set  
 “ aside by any authority from his majesty, in case  
 “ the grantees shall insist on their title.”

Thus it appears, in a trial (of the same case we are treating of) before the board of trade, that the king, under whose authority the government of *New-York* had, in an oppressive manner granted those very lands, could not, by his royal authority, vacate or set aside the grants ; yet the present legislative authority of the state of *New-York*, proclaim to the world, and pledge the faith of government, that they will do it. But enough has been said on the impossibility of it, as well as on the ungenerous-ness of the proposal : And as to the quit-rents, the General Assembly of the state of *Vermont* will determine their expediency, and probably release them all.

WHAT has been observed, answers every part of the proclamation worth notice, as the five last articles had an entire reference to the three first ; though it may be worth observing, that the time of compliance with those overtures are run out, and it is my  
 opinion,

opinion, that but few of the subjects of the state of *Vermont* have closed with them. The main inducement I had in answering them was, to draw a full and convincing proof from the same, that the shortest, best, and most eligible, I had almost said, the only possible way of vacating those *New-York* interfering grants, is, to maintain inviolable the supremacy of the legislative authority of the independent state of *Vermont*. This, at one stroke, overturns every *New-York* scheme which may be calculated for our ruin, makes us free men, confirms our property, "and puts it fairly in our power to help ourselves", to the enjoyment of the great blessings of a free, uncorrupted and virtuous civil government.

BENNINGTON, *August 9, 1778.*

On the 31st day of *October 1778*, the Senate and Assembly of the state of *New-York*, prevailed on his Excellency Governor CLINTON to issue his last Proclamation and dying Speech, to the citizens of the rising state of *Vermont*, which is here transcribed *verbatim*.

By his Excellency GEORGE CLINTON, Esq; Governor of the State of *New-York*, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same.

## A P R O C L A M A T I O N.

L. S. WHEREAS the Senate and Assembly of this state, did by concurrent resolutions, passed the 21st day of *February* last, propose certain overtures

overtures with respect to the controverted lands, in the north eastern parts of the county of *Albany*, and certain parts of the counties of *Cumberland*, *Charlotte* and *Gloucester*, in order to quiet the disorders prevailing in that part of the state.

AND WHEREAS the said resolutions have been misrepresented by some, and misunderstood by others, and are deemed not to apply to the cases of many persons entitled to relief; by reason whereof apprehensions still remain on the minds of many of the inhabitants in that part of the state, and they have not in consequence thereof, returned to their allegiance to this state, within the time, for that purpose in said resolution, limited.

AND WHEREAS the Senate and Assembly, in order more effectually to remove such apprehensions, and more fully to explain the said resolutions, and manifest the equitable intentions of the legislature, have by concurrent resolutions passed this present session.

RESOLVED, That with respect to all such lands, which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*, and have not been since granted by the government of *New-York*; that all such grants, under *New-Hampshire* or *Massachusetts-Bay*, shall be confirmed and declared good, valid and effectual, to all intents and purposes, as if the same had been made by the government of *New-York*; and shall not be deemed null or void, by reason of the non-performance of any condition contained in the same.

AND WHEREAS it is impossible to establish any general principle for the determination of all disputes,

putes, that may arise between persons claiming under *New-Hampshire* or *Massachusetts-Bay*, on the one, and *New-York* on the other part, but each case must be determined according to its particular merits.

RESOLVED THEREFORE, That in all cases of disputes, arising between persons claiming under *New-Hampshire* or *Massachusetts-Bay* on the one, and *New-York* on the other part, for the same lands (besides confirming such possessions as were made under *New-Hampshire* or *Massachusetts-Bay*, prior to any grants for the same under *New-York*) the legislature will submit the determination thereof, to such persons as the Congress of the United States, shall elect or appoint for that purpose, to be determined according to equity and justice, without adhering to the strict rules of law.

PROVIDED ALWAYS, That nothing in these overtures contained, shall deprive any persons actually possessing lands under *New-York*, of the lands so by them severally actually possessed; but such persons shall be confirmed in their respective possessions.

RESOLVED, That nothing contained, either in the above mentioned or these resolutions, shall be construed to affect any disputes that may arise between any person independent of a claim under *New-Hampshire* or *Massachusetts-Bay*, on the one, and *New-York* on the other part.

RESOLVED, That all persons shall be entitled to the benefit of the above-mentioned, and those resolutions, notwithstanding they may have withheld their allegiance from, and been in opposition to the government of this state since the first day of May last,

**PROVIDED**, That no person shall be entitled to such benefit, who shall have committed treason against the state, by adhering to the king of *Great-Britain*.

**AND WHEREAS** the said Senate and Assembly of this state, by their concurrent resolution, passed also in this present session of the legislature, have requested me to issue my proclamation, containing the substance of their concurrent resolutions aforesaid; and have thereby also authorised me in such proclamation, to pledge the faith of the legislature of this state, for the faithful performance of the several matters contained in their said concurrent resolutions.

**NOW THEREFORE**, I do by these present, *publish and proclaim* the concurrent resolutions of the Senate and Assembly aforesaid, above particularly recited, hereby pledging the faith of the legislature of this state, for the faithful performance of the several matters therein contained; and I do hereby require all persons concerned, to take notice thereof and govern themselves accordingly.

*Given under my Hand and the Privy Seal of the said State, at Poughkeepsie, on the Thirty-First Day of October, in the Third Year of the Independence of the said State, and in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight.*

**GEO. CLINTON.**

*By his Excellency's Command,*

**STEPHEN LUSH, P. Sec'ry.**

**G O D S A V E T H E P E O P L E.**

It is apprehended that what has been already announced on the first of these proclamations, amounts to a clear refutation of the essential parts of both ; especially to those who are acquainted with the circumstances of the granting and settling those lands, but to the public in general, who are not. The answer is not sufficiently explanatory : we have therefore thought it expedient, to make some additional observations on the first of them, with a full answer to the latter. Inasmuch as the leading gentlemen of the government of *New-York*, in both public and private company, when discussing on the controversy, do not hesitate, in the most positive manner, to affirm, and stake their honor, that their government have really offered (those deluded people) the inhabitants of *Vermont*, a full and authentic confirmation of their lands granted by *New-Hampshire* and *Massachusetts-Bay* ; but that they are, nevertheless, “ refractory and licentiously disposed.” The truth of this matter must be learnt from such part of the aforesaid proclamations called overtures, which is all that ever have been pretended to be made from that government to those inhabitants.

Governor *Clinton*’s first proclamation begins with an air of penitence, pointing out a number of grievances, which he admits those inhabitants “ have laboured under, which, in some measure, extenuate their offence, and which ought to be redressed.” This then is the point at issue, whether those overtures are calculated for that purpose, or are adequate to it, or not : or whether they were not rather calculated to deceive and ensnare the people to whom they were made.

“ THAT

"THAT the said contest was occasioned, partly by the issuing of divers interfering patents or grants, by the respective government of *New-York*, on the one part, and those of *Massachusetts-Bay* and *New-Hampshire*, on the other, antecedent to the late establishment of the eastern boundary of this state."

PREVIOUS to this establishment, which was in 1764, the government of *New-York* had granted but two small parcels of land in the now territory of *Vermont*, namely, the patent of *Hoosick*, in 1765, which is supposed to extend into the township of *Powand*, and to include five or six thousand acres of land in said town, which is situate in the southwest corner of the state of *Vermont*: and also the patent of *Wallamscott*, in 1739, is said to interfere with the townships of *Shafsbury* and *Bennington*; including about five thousand acres of land: these are all the *New-York* patents which interfered with the limits of *Vermont*, at the time of the settlement of their eastern boundary,; "and partly by a number of grants made under the late government of *New-York*, after the establishment of the said eastern boundary, which had been granted by the governments of *New-Hampshire* and *Massachusetts-Bay* respectively, or one of them; in which the last mentioned grants by the late government of *New-York*, the interest of the servants of the crown, and of new adventures, was, in many instances, contrary to justice and policy, preferred to the equitable claims for confirmation of those who had patented the lands under *New-Hampshire* or *Massachusetts-Bay*."

THIS confession comes very near the truth, tho' in the sentence "was, in many instances, contrary

" to

“to justice and policy :” It should have been said, in every instance contrary to justice and policy. However, it in a great measure comprehends the main object of injustice on which the controversy arose, and consequently the main source of grievances may be deduced from it.

THE government of *New-Hampshire*, previous to the settlement of the said boundary line, (and when those lands were universally supposed to be in that government) had granted one hundred and thirty-six townships, six miles square, in the territory of the now state of *Vermont*. Previous to these grants under *New-Hampshire*, the government of the *Massachusetts-Bay* had granted sundry tracts of land in the territory aforesaid, which in the settlement of the boundary line between them and *New-Hampshire* in 1739, fell within the jurisdiction of the latter, and was by them mostly confirmed to the original grantees under *Massachusetts-Bay*. No sooner had the government of *New-York* obtained jurisdiction of the said territory, but they proceeded to regrant the lands aforesaid to new adventurers, in prejudice to the grantees and actual settlers under *New-Hampshire* and *Massachusetts-Bay* : But remonstrances from them against the oppressions of the government of *New-York*, as mentioned aforesaid, procured the king’s prohibition, which is as follows.

“ At a Court at St. James’s the 24th Day of July  
1767.

Present the KING’s most Excellent Majesty,  
*Arch Bishop of Canterbury, Earl of Shelburn,*  
*Lord Chancellor, Viscount Falmouth,*

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Dated

Duke of Queensbury,  
 Duke of Ancestar,  
 Lord Chamberlain,  
 Earl of Litchfield,  
 Earl of Bristol,

Viscount Barrington,  
 Viscount Clarke,  
 Bishop of London,  
 Mr. Secretary Conway,  
 Hans Stanley Esq.

“ His Majesty having taken the said report, *viz.* A report of the Lords of the Board of Trade into consideration, was pleased with the advice of his privy council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander in Chief of his Majesty's Province of *New-York*, for the time being, do not, on pain of his Majesty's *highest* displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his Majesty's further pleasure should be known concerning the same.”

*William Sharp.*

*A true Copy,*

*Attest.* GEO. BANYAR, *Dep. Sec'ry.*

The government of *New-York*, in the face of this prohibition, presumed still to regrant the said lands included in the aforesaid one hundred and thirty-six townships till nearly the whole was circumscribed in the limits of their subsequent patents, except an inconsiderable number of townships near *Connecticut-river*; which, on condition of surrendering to them the original charters under *New-Hampshire*, were at the exorbitant fees of two thousand and three hundred Spanish milled dollars for each township granted to the original grantees under *New-Hampshire*

*Hampshire* again, with a reservation of a much higher quit-rent than what was reserved in the original grants under *New-Hampshire*, and at a very great expence obtained : And it is worthy of a remark, that the said interfering patents from *New-York* were mostly made after the said prohibition was certified to them. " That an absolute and unconditional discharge and remission of all prosecutions, penalties, and forfeitures, under the above-mentioned act, shall be and established preliminary to such overtures."

As the laws alluded to in the said act were temporary, and the term for their continuing in force expired more than two years ; consequently they were as tho' they had not been, in every sense, except that they intailed an eternal disgrace on the government of *New-York* for enacting them ; which infamy hath been renewed by the aforesaid proposal of a mock pardon ; ushered in as an established preliminary to certain overtures, which the present government of *New-York* were making to the citizens of *Vermont*. It seems they expected that this would be considered as an eminent display of their goodness, and pave the way for their overtures which were equally empty and impudent. The preliminary containing no pardon, and the overtures confirmed no lands ; as the arguments previously published, and in this defence again exhibited, will clearly evince, to which the reader is refer'd.

" THAT with respect to all such cases concerning the aforesaid controverted lands, as cannot be decided by the rules exhibited in the foregoing articles, or some or one of them ; the legislature of the state

of

of *New-York* will provide for the determination of the same, according to the rules of justice and equity arising out of such cases respectively, without adhering to the strict rules of law."

FROM fifteen years acquaintance with the government of *New-York*, *Vermont* is by no means willing to trust this important controversy to their decision of justice and equity, as it has hitherto deviated from every idea of those rules of moral rectitude which are practised by virtuous governments; their notions of justice and equity seem to be unnatural and unjust; at least, every sample of it which they have as yet exhibited to those inhabitants appears to be so; probably a habit of enslaving their subjects has beat it into their heads, that it is just; and thus people commonly conceive it to be just to enslave *negroes*.

'Tis strange that the said legislature had not considered this difficulty which the said inhabitants labor under before they made the offer; for though the legislature may, for all that can be objected to their former conduct, be really honestly disposed; yet such a belief could hardly rationally be supposed to gain credit among a people who have suffered such flagrant and high handed oppressions from both the legislative and executive authority; and where it is the interest and very genius of the government, to enrich individuals on the tenantage, poverty and slavery of the great mass of their subjects, a little serious reflection might have determined them not to make such a proposal; and consequently, not have put us to the blush in answering the same. It is hoped that this freedom of writing will be excused,

fed, as we are obliged in this defence, to give our reasons for rejecting these overtures.

ACCORDING to the proposal of the aforesaid legislature, every inhabitant in the contested territory would be liable to a trial at law for his land, in some way which the legislature shall provide, for the determination of his title. Those inhabitants have spent too much money already in land trials at the *New-York* courts, but could never have the charters under which they held their land, so much as read in court.

But it may be argued, that agreeable to the articles of Confederation of the United States, that persons holding under grants from different governments, may have a right of petitioning for a decision, agreeable to the method therein prescribed. But this would give birth to new troubles. The farmers of *Vermont* are unskilled in law, and by no means a match for the over-grown wealthy *New-York* patentees; but insufficient as they may be supposed for the task, they have, upon this plan, to go thro' a course of law in the state of *New-York*; and then, for certain, have to petition agreeable to the mode of trial pointed out by the articles of confederation; and it will be readily conceived, that not many of them are able to defray such an expence, or capable of managing such an important lawsuit.—Besides, the articles of confederation are not yet subscribed to by the several United States; and it is uncertain whether they ever will; especially as they now stand. And consequently the grantees holding under different grants have, as yet, no right to a decision by petitioning in the manner before-mentioned.

WE come now to the consideration of governor *Clinton's* last proclamation of the 31st of *October* 1778.

“ WHEREAS the Senate and Assembly of this state, did by their concurrent resolutions, passed the 21st day of *February* last, propose certain overtures with respect to the controverted lands in the north-eastern parts of the county of *Albany*, and certain parts of the counties of *Cumberland*, *Charlottee* and *Gloucester*, in order to quiet the disorders prevailing in that part of the state.

“ AND WHEREAS the said resolutions have been misrepresented by some, and misunderstood by others and are deemed not to apply to the cases of many persons entitled to relief, &c.

“ AND WHEREAS the Senate and Assembly, in order more effectually to remove such apprehensions and more fully to explain the said resolutions, and manifest the equitable intentions of the legislature, have by their concurrent resolutions passed this present session.”

THE public would naturally by this spacious introduction to the resolve hereafter to be mentioned, imaginethat the aforesaid equitable intention of the legislature, would shine in robes of justice and generosity ; and explain the first proclamation alluded to, in some spiritual sense, very different from its literal meaning : but in stead of that, we find the subsequent patents under the government *New-York* virtually confirmed, and the grantees and actual settlers under *New-Hampshire* and *Massachusetts-Bay*, exposed to the same or similar intrigues which they ever have been by that government since they laid their interfering patents on those lands, as will appear

pear from the resolve itself. “ *Resolved*, That with respect to all such lands which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*, and have not been since granted by the government of *New-York* ; that all such grants under *New-Hampshire* or *Massachusetts-Bay*, shall be confirmed and declared good, valid and effectual, to all intents and purposes, as if the same had been made by the government of *New-York*.”

THIS resolve which the said legislature are pleased to call an overture to the inhabitants of *Vermont*, is a palpable insult and affront to the common reason of mankind ; inasmuch as not only the same legislature as well as every of those inhabitants of common sense, very well know that all the lands of any considerable consequence which have been granted by the governments of *New-Hampshire* and *Massachusetts-Bay*, have been long since actually granted by the government of *New-York*, as has been before particularly represented ; so that this last production from the senate and assembly of the state of *New-York*, as exhibited in the said proclamation, is big with mischief and manifest design against the claimants and actual settlers under *New-Hampshire* and *Massachusetts-Bay*.

THE senate and assembly of the state of *New-York*, have in the same proclamation, proposed a very extraordinary arbitration between them the said legislature, and the inhabitants of *Vermont*, and submit it to congress to appoint the arbitrators.

THEIR proposal is as follows. “ *Resolved therefore*, That in all cases of disputes arising between persons claiming under *New-Hampshire* and *Massachusetts-Bay*.”

*achusetts-Bay* on the one, and *New-York* on the other part; for the same lands; besides confirming possessions as were made under *New-Hampshire* or *Massachusetts-Bay*, prior to any grants for the same under *New-York*, the legislature will submit the determination thereof to such persons as the congress of the united states shall elect for that purpose."

THIS proposal is really whimsical, or calculated to rid themselves of the fulfilment of confirming certain possessions in the disputed territory, for the faithful performance whereof they pledged the faith of government, as may be seen in governor *Clinton's* first proclamation, and the absurdity and utter impracticability of such a confirmation being pointed out in the answer to the same of the 9th of *August* last. It seems that the said legislature have endeavored to rid themselves of this difficulty by laying it on congress: but it should be considered, that neither the said legislature or congress, are parties concerned in the case; the dispute, as it respects the interfering grants, lies between the grantees of the three governments respectively: they, and only they, have a right of trial at common law, or to refer it to arbitration, provided they agree; but it is no part of the business of the said legislature or of congress, or both together, to bring forward such an arbitration as the said resolve proposeth: as on supposition, (for congress are too wise to do it) should congress adopt the said proposal, and elect certain men to determine a dispute between the legislature of the state of *New-York*, and the inhabitants of *Vermont*, and suppose furthermore, that such decision should be in favor of the inhabitants; yet this would be

no bar against a process at law against those inhabitants, by the *New-York* patentees, who would, after a hundred such chimerical arbitrations, have the same right of trial at common law as they now have; for the legislature of the state of *New-York* cannot be supposed to be a party in these cases or to have any right to an arbitration, any more than the legislature of the state of *South-Carolina*, or any independent person whatsoever; nor is it possible for the legislature of the state of *New-York* or Congress, to settle those disputes any other ways but upon the principles of common law; so that the proposal of the said legislature appears to be weak and impertinent.

THESE overtures bear a near resemblance to those of the *British* parliament to the united states; in which cases it is not to be supposed, that there was any sincerity. No favor is either asked or expected by the inhabitants of *Vermont* from the legislature of the state of *New-York*; they do not blame them for not confirming their grants under *New-Hampshire* and *Massachusetts-Bay*; for they know that inasmuch as the same lands have been since granted by the late government of *New-York*, it is out of their power to confirm their possessions; but they blame them for pretending to do it when they know they cannot do it: and also that they do not design to do it, as appears from the curious reserve of confirming "all such lands which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*," nextly follows the bite, "and have not been since granted by the government of *New-York*."

From the foregoing animadversions on these proclamations it manifestly appears, that the new government of the state of *New-York*, are pursuing the measures adopted by the old ; which is the plan that they are determined to affect, or nothing at all. From first to last they have put all at stake upon it ; and it is no way probable that they so much as desire to comprehend *Vermont* in their jurisdiction abstractly considered from it, for the hatred subsisting between them and those inhabitants, is similar to the *British* and *American* aversion.

Nothing can be more repugnant to the polity and genius of that government, than to extend their jurisdiction as aforesaid, on any other terms, but to engross the lands, and vassalage its inhabitants. To illustrate this proposition, we will suppose this territory to be included in the jurisdiction of *New-York* ; and likewise, that it was populated, and the inhabitants held their property in that equal manner which they do at present ; or as is common in the *New-England* states, which will be the case, provided the right of soil be held under the *New-Hampshire* grants ; this would make a discord in the government, and be a standing reproach to the enslaved part of the state ; from whence animosities and strife would constantly arise, as one party would be for slavery, while the other would be for liberty, which would imbroider the government, and end in a civil war ; for their genius, polity, temper, spirit and manners, would be as diametrically opposed to each other as they now are, or as liberty is to slavery. A people so opposite to each other in civil, political, and we may add, religious sentiments, can never subsist long  
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under the same government, for the demonstration whereof we appeal to the current history of mankind.

AND this the government of *New-York* have been very sensible of ; and therefore have from first to last, exerted themselves to divide the disputed territory into large patents among themselves and favorites, so as not to endanger their slavish mode of government, and avoid the difficulties before-mentioned, by endeavoring to reduce those brave inhabitants to submit to be their tenants ; which, if they could once effect, their spirit would dwindle away and expire with liberty : but is it not altogether probable, that those inhabitants who have suffered so much from *Torkish* and *British* tyranny, will yet take the field against the government of *New-York*, (it need be) and at the muzzle of their firelocks convince them of the independency of the state of *Vermont* ; and that their laid patents are no more than an intrusion on the right of the *green Mountain boys*.

THIS the government of *New-York* are also apprized of, and are therefore indefatigable in their applications to congress to procure a resolution prohibiting the government of *Vermont* from any further proceedings as such, and to decree, that the free citizens thereof, shall submit to the government of *New-York* : imagining, that in consequence of some such like resolve, that they may procure a sufficient force from the united states, to carry into execution the reduction of *Vermont* ; an enterprise which their own militia seem not inclined to undertake. Such sanguine expectations as these, from a govern-

government which have been very sparing in promoting the independency of the united states; and which have been wire-drawn into congress county by county; and which have afforded such great numbers of disaffected inhabitants to the common cause; whose malignant influence hath probably done as much mischief and damage to the public weal, as the brave and virtuous exertions of their well affected inhabitants could do to forward and promote it. Nothing could be more romantic than for such a government to expect that the power of the united states should be exerted against their meritorious friends the citizens of *Vermont*, to effect that which they had attempted with their militia, and were not able to accomplish on a trial of many years, while under the king of *Great-Britain*; and which at this time those citizens apprehended to be out of their power.

At present the people of *Vermont* have no apprehensions that their brethren in the united states will so evilly requite them for their many important services to the common cause, as to assist the government of *New-York* to subjugate them to their despotism.

The government of *New-York* never had a just right of jurisdiction over the territory of *Vermont*. It was obtained by their solicitation ex-parte, and without either the knowledge or approbation of the inhabitants, who as soon as opportunity permitted, remonstrated against it before the king and council; and furthermore complained of the oppressions of that government in appropriating their lands and possessions for the emolument of their favorite adventures.

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HAD the government of *New-York* sanctified the base and illegal manner of acquiring a pretended legal claim of jurisdiction, by a virtuous and benevolent administration; and in stead of monopolizing the soil, had confirmed the prior grants under the governments of *New-Hampshire* and *Massachusetts-Bay*, clear of fees and expence; the inhabitants would probably, by degrees, have excused them, and reluctantly submitted to their government; but inasmuch as the reverse of this has taken place, and a premeditated design of usurpation hath uniformly manifested itself in acquiring the claim of jurisdiction, and exercising the same; it ought therefore in justice to be considered as null and void from the beginning, on account of the illegal measures, false representations, and undue influence, under which it was obtained and exercised. Furthermore, tho' the government of *New-York* had ever so good and legal a claim to the jurisdiction, the mercenary, oppressive, and inhumane use which they have made of it considered abstractly, should in justice, and agreeable to the rules of sound policy, be a final bar against any further exercise thereof.

THE inhabitants on the west side of the range of green mountains, never pretended to associate or connect with the government of *New-York* in any sense whatsoever, but have managed their internal and external police wholly independent of them, as has been before related: though that government have made use of every artifice and low cunning to intice and persuade them to it; viz. by proposing a confirmation of lands to certain persons which they thought to be fit instruments to inflave the rest:

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commissions civil and military were likewise proposed to some with like views, but the main body of the people were virtuous ; and not only so, they had not the offer of either a confirmation of their lands or a commission to every of them ; and it is most probable, that these offers which were actually made were fallacious ; and that if the said government had been confirmed, the proposed favours would have shared much the same fate as is probable the tories would have done in consequence of the subjugation of the country at large by the government of *Britain*. However, there were a number of depraved and mean spirited rascals which bore at the bait, and would probably have assisted that designing government of land clenchers, to divide the people, and finally enslaved them, had not the integrity and heroism of the green mountain boys prevented it, making it dangerous for any to except such commission, or secure his farm on the ruin of his neighbours. Nevertheless the same sort of intrigues more or less took place on the east side of the said range of mountains : the counties of *Cumberland* and *Gloucester* were erected, and for a time partly established under the jurisdiction of *New-York*, and in violation of the then king's authority, but injustice and oppression reigned to such an intolerable degree, that strife and opposition to the government was the consequence which finally terminated in the *Westminster* massacre on the 4th day of *March* 1774, which put a final period to the grand usurpation of the government of *New-York* on the east side of the range of green mountains, and the main body of the people from that time till now, have

have reprobated the government of *New-York*, and have not suffered a court to be convened and held in either of those counties, under the jurisdiction of *New-York* ever since, though that government have to this day been carrying on some of their former cunning at *Brattleborough*, and a few other towns situate in the south east corner of this state.

At the time the government of *New-York* confederated with the other states, the inhabitants of *Vermont* had formed their constitution, elected their chief, and other magistrates, and were in full possession of government; and as they were free and unconnected with any state or body politic, had a just right so to do. This right they received from nature, nor were they beholden to the government of *New-York* or any other power short of the omnipotent. *New-England* had forsaken and wholly neglected them, and *New-York* tyrannized over them as much as they possibly could, (or dare) and they were a people between the heavens and the earth, as free as is possible to conceive any people to be; and in this condition they formed government upon the true principles of liberty and natural right; nor can the government of *New-York* acquire any right of jurisdiction over them in consequence of confederating with the other free states of *America*; inasmuch as the state of *Vermont* was at that time not only independent of the state of *New-York*, but of any and every of the united states.

The royal adjudication of the boundary line afore-mentioned, was temporary in its nature, and arbitrary in its execution, and conveyed nothing of the nature of a charter, grant, or permanent jurisdiction

dition to the government of *New-York*, but received its life and spirit by a mystical communication which it may be supposed to have every moment from the sovereign will of the royal adjudicator; from that source only this line drew all its support, as the branch does from the vine from whence it springs; and the declaration of independence cutting the vital union, occasioned this line like a lamp to go out which exhausted of oil and leave no traces of its existence; from which moment the imaginary claim of the *New-Yorkish* jurisdiction over the territory of *Vermont* expired, and the inhabitants thereof reverted to a state of nature. Thus it appears, that the government *New-York* 1stly forfeited their claim of jurisdiction by the illegal measures made use of in acquiring it. And 2dly, by the illegal and oppressive exercise of it. And 3dly and lastly, they have lost it by the annihilation of the *English* king's authority in consequence of the late revolution, by which means the said adjudicated oppressive jurisdictional line became null and void to all parties, and is as though it had not been.

FURTHERMORE, this frontier country was under the greatest necessity of forming government; the inhabitants were obliged to exercise not only an internal policy among themselves, but an external policy against foreign invasions; this they dare not trust to the management of the government of *New-York*; who, we have but very little reason to doubt, would rejoice to have had the inhabitants cut off, that their lands might fall into their hands; an object which they have been unsuccessfully pursuing for many years.

THE government of the infant state was, as it were, in *embryo*, when the haughty general *Burgoyne* was penetrating the country ; his spacious proclamation filled the air with a tyrants awe ; intimidated the weak ; the servile and base, but enraged the strong, the generous and the brave. Mean while the council of the new state was very indefatigable in forming designs against him ; not only by forming their own militia into regular battallions under brave officers in order to oppose him, but by exciting the government of *New-Hampshire* to assist them : while these matters were transacting, general *Schuyler* ordered the militia of this state to march to *Saratoga*, but government would not permit it, inasmuch as they apprehended that *Bennington* and its vicinity was an object of destruction by the enemy. However the brave general *STARK* with his detachment arrived at a lucky moment, and being cheerfully joined by the green mountain boys, fell on the enemy with relentless fury, which terminated in the two memorable and glorious battles of *Bennington*, and was the first check to the progress of a formidable enemy ; which proved the salvation of the new state, and had its salutary influence on the pending cause of the independent states of *America* at large, and is a striking proof of the good policy of assuming government.

ANY one who is acquainted with mankind, and things, must know that it would be impracticable to manage the political matters of this country without the assistance of civil government. A large body of people destitute of it, is like a ship in the sea without a helm or mariner, tossed with impetuous

waves. They could not enjoy domestic peace and security, considered abstractly, from a *British* war and *Torkish* usurpation, without civil regulations; the two last considerations do in the most urgent manner excite them to strengthen and confirm the government set up by the consent, approbation and authority of the people, which is the fountain of all temporal power, and from which the citizens of *Vermont* have already experienced such signal advantages. This puts them on an equal footing with their *New-York* adversaries, and will finally enable them to baffle all their machinations and devices which nothing else can possibly do.

USURPATION and injustice was the primary cause of the separation and revolt of the *English American* colonies from *Great-Britain*; and this was also their grand reason and justification for so doing; and consequently the ground of their right to independency. These reasons are abundantly conclusive and satisfactory, as exhibited by congress at large; and there appears to be a great degree of similarity in this controversy with the *British* government with that of *Vermont* against the government of *New-York*, except in this respect, that the territory of *Vermont* was never under the jurisdiction of *New-York*; although by fraud, injustice, and the conniving of the *British* court, they procured a royal order, purporting such a claim; which, in reality, originated from a complication of interested and tyrannical views, between them and the *British* court; the latter promoted and extended the power and influence of the former in *America*, to promote and aid in the subjugation of it; (for at that time the  
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projection was forming) and it is well known that *New-York* was their favorite government; and it hardly admits a dispute but that the intrinsic cause of the royal extension of the jurisdiction was to corroborate the designs which have since been attempted against *America*; this and the *Quebec* bill was of a piece, and the motive of their extension the same, to more effectually bribe them governments to their interest, as subsequent and reciprocal transactions may more fully evince.

BUT to proceed with the parallel. The *British* government claimed an exclusive right of taxing the colonies in all cases whatsoever; such a prerogative would unavoidably have terminated finally in abject slavery, as has been fully illustrated by many ingenious writers, and verified by the universal experience of mankind; but the government of *New-York* took a more direct and immediate method, for at one blow they struck at the landed property of every of the inhabitants of *Vermont*, by stretching their subsequent interfering patents over them; this was more like a combination of land thieves, than a government who covering the lands and labors of the inhabitants, which, but a little before by iniquitous concerted measures at the *British* court (in stead of slaves) they proved to be denominated their subjects. The mutilating the charter of the *Massachusetts-Bay* by the *British* parliament, was a high handed stride of arbitrary power, and struck the very nerves of liberty, but not so fatal as though they had appropriated the soil of the colony to new adventurers, as in the instance of the interfering patents before-mentioned; for nothing which can be  
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done to any people is capable of so effectually enslaving them, as the monopoly of their lands ; when this is the case with a people, it is idle for them to dispute any more about liberty ; for a sovereign nod of their landlord, cannot fail to overawe them, and by degrees erase the natural images of liberty from the mind, and make them grovel out a contemptible and miserable life.

THE detestable acts of outlawry passed the 9th day of *March* 1774, by the legislative authority of the colony or *New-York*, particularly against the inhabitants of *Vermont* was, in substance, a positive declaration of war against them : by these acts they declared those inhabitants out of their protection ; and abdicated the government, provided they may be supposed at that time to be possessed of any right thereto. The fact is, they appealed to arms ; in this case they must effect the conquest of *Vermont*, or give up their pretensions to the government thereof. The inhabitants of *Vermont*, on the 26th day of *April* following, published a declaration of a defensive war against the government of *New-York*, as aforesaid, and warlike preparations were making on both sides ; but the *British* invasion has procrastinated the determination of the matter till this time ; and when this great and astonishing revolution shall be fully settled, ratified, and confirmed, it will be early enough for *New-York* and *Vermont* to proceed to the settlement of their controversy.

BUT to continue the parallel. Those acts of outlawry according to the express tenor thereof, empowered their courts of judicature, to award sentence of death against any of those inhabitants as  
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should be capitally indicted, although they were not personally before such court ; and in like manner, any other sentence of punishment short of death, against any of the said inhabitants which should be criminally indicted without any hearing, nearly on indictment itself ; and also gave a full indemnification to any and every of their subjects, for killing, maiming or wounding, those inhabitants which opposed such execution of law : in fine, the real designs of these laws were to obtain possession of the farms of those inhabitants, or to make those who had the magnanimity to oppose them outlaws, and kill them where ever they could be found, that they might possess and enjoy the country ; for such as they could not kill on the spot they only had to indict capitally, and procure a sentence of death against them, from their court of judicature, (which was easily done) and then every of their subjects or ruffians, became legal executioners ; and from motives of public or private rewards, were at liberty, nay, under obligations to kill and exterminate them from the lands coveted, in any manner, and by any stratagem which might best serve such inhumane purposes ; for all which savage cruelties, the perpetrators had governmental indemnification ; and thus the inhabitants (which they would fain have to be their subjects) were obliged either to give up their inheritance, or, in the *Turkish* sense of the word become outlaws, fellows, rioters, &c. and be subjected to the dangers and hazards of the shocking evils before mentioned, which nothing but the daring spirit and unconquerable fortitude of the green mountain boys prevented taking place.

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Much more might be said as to the injustice, tyranny, oppression, and malevolence of these laws, but it is needless to animadvert any further on them, inasmuch as they carry their own refutation along with them ; they are therefore subjoined verbatim to this vindication ; with the original answer to the same, published soon after they made their public appearance, and submitted to the public consideration ; with this observation, that among the arbitrary edicts of the *British* government towards the colonies, none were equally oppressive to this, except their declaration of war. Their act for transporting the subjects of the colonies across the sea for trial for crimes committed or said to be committed in this country ; was a daring stroke against the liberties of a free people ; for though they were permitted a personal hearing, yet it was attended with great embarrassments, and insurmountable evils and disadvantages, to be forced to a trial in a strange country, destitute of acquaintance, friends, or evidence, to make a defence ; and probably without money or credit ; this would be a shocking condition to be reduced to, especially by law, the original design of which, was to protect and promote the liberty and happiness of mankind. This bears a near resemblance to those acts of outlawry, tho' it is hardly so replete with malicious turpitude ; and therefore a more certain destruction would have been the fate of the inhabitants of *Vermont*, had those laws taken place ; who, on a landjobbers indictment, and a landjobbing courts judgment, without hearing, to suffer death, or other punishment, by virtue of the laws of an infamous landjobbing legislature.

THE local distance of *Vermont* from the seat of government in the state of *New-York*, is near four hundred and fifty miles from its extream parts, which would make government chargable and inconvenient ; and abstracted from all other considerations, would constitute a sufficient reason for the independence of *Vermont* ; nevertheless, provided those inhabitants were obliged to submit to the government of *New-York*, they would wish to have the distance ten times greater.

THE people of *Vermont* consider themselves as being virtually in union with the united states, from the time that they took possession of lake *Champlain*, and the garrisons depending thereon, in behalf of the united states, in *May* 1775 ; from which early period of the revolution, they have taken an active part with them, and have pursued invariable, the same object, viz. liberty ; have participated in all their troubles ; and with them have hazarded all that is worth living or dying for ; such a combination of interests, and mutual co-operation, in securing and defending the same, constitutes the very nature and essence of union and confederation, nor can there be more than a meer formal declaration requisite to fully establish a confederation between them.

AND lastly. A confederation of the state of *Vermont* with the other free and independent states, cannot fail of being attended with salutary consequences to the confederacy at large, for ages yet to come. What a nursery of hardy soldiers may in future be nourished and supported in this fertile country, (which is one hundred and fifty miles in length, and  
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near sixty in breadth,) stimulated with the spirit of liberty, having a perfect detestation and abhorrence of arbitrary power, from the exertions whereof they have suffered so much evil; will instill the principles of liberty and social virtue in their children, which will be perpetuated to future generations: their climate and interior remove from the sea coast, will naturally be productive of a laborious life, by which means they will be in great measure exempted from luxury and effeminacy, and be a valuable support to the rising empire of the *new world*.

The following Votes and Proceedings of the Legislature of the Colony of *New-York* are subjoined to this Vindication; and also the Votes and Proceedings of the General Committee for the Inhabitants of the *New-Hampshire* Grants in Answer thereto: And likewise, the Acts passed by the Legislative Body aforesaid, the 9th of *March* Ultimo, and Remarks on the same, which here follow in their order, as they were published in sundry public Newspapers in *America*.

FROM the *New-Hampshire* Gazette, No. 914.

“ At a general meeting of the committee for the several townships on the west side of the range of green mountains granted under the great seal of the province of *New-Hampshire*, held at the house of Mr. Eliakim Wellers in *Manchester*, on the 1st day of *March*, A. D. 1775; and afterwards, by adjournment, at the house of Capt. Jehiel Hawlew, in *Arlington*, on the third Wednesday of the same month; at which several times, and places, the *New-York Mercury* No. 1163, was produced;

*produced: which contains an extract from the votes and proceedings of the General Assembly of the colony of New-York, which is as follows, viz.*

“DIE SABATH, 10 Ho. A. D. 5th February, 1774.

“MR. BRYCE, (in behalf of Mr. CHUTES, chairman) from the grand committee, reported, that he was directed by the said committee, to make the following report to the house, viz. That the said committee having taken into consideration, the petition of *Benjamin HUGH*, in behalf of himself, and many of his majesty's subjects, inhabiting the county of *Charlotte*, and the north-eastern district of the county of *Albany*; complaining of many acts of outrage, cruelty, and oppression, committed against their persons and properties, by the *Berningtons* &c. and the dangers and injuries to which they are daily exposed, and imploring that this house will take them under their protection, and secure them against future violence; and the said committee, having also duly considered the several proofs and depositions presented in support of the truth of the said petition, do therefore resolve,

“1, THAT it appears to this committee, that there at present prevails in part of the county of *Charlotte*, and in the north-eastern district of the county of *Albany*, a dangerous and destructive spirit of riot and licentiousness, subversive of all order and good government; and that it is become an insupportable grievance, which requires immediate redress.

“2, RESOLVED, That it appears to this committee, that many acts of outrage, cruelty, and oppression

tion have been there perpetrated by a number of lawless persons, calling themselves the *Bennington Mob*, who have seized, insulted, and terrified several magistrates and other civil officers, so that they dare not exercise their respective functions ; risked prisoners for debt, assumed to themselves military commands, and judicial power ; burned and demolished the houses and property, and beat and abused the persons of many of his majesty's subjects, expelled them from their possessions, and put a period to the administration of justice, and spread terror and destruction through that part of the country which is exposed to their oppression.

" 3, **RESOLVED**, That it is the opinion of this committee, that the complainants before this house and others, who inhabit part of that colony, and from respect to government, will not countenance or be concerned in the said riotous proceedings, are exposed from the violence of the rioters to eminent danger both in persons and properties ; and that they stand in need of immediate protection and succour.

" 4, **RESOLVED**, That it appears to this committee, that *Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Brown, James Breakenridge, and John Smith*, are principal ring-leaders of, and actors in the riots and disturbances aforesaid ; and that it is therefore the opinion of this committee, that an humble address be presented to his excellency, desiring that he would be pleased to issue a proclamation, offering a reward of fifty pounds for apprehending and securing any or either of the persons above named, in his majesty's  
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goal in *Albany*; and commanding the magistrates, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilant in suppressing the said riots, and preserving the public peace and good order, as well as for bringing to justice the perpetrators and authors of said riots.

“5, RESOLVED, That it is the opinion of this committee, that a bill be brought in, more effectually to suppress the said riotous and disorderly proceedings, maintain the free course of justice, and for bringing the offenders to condign punishment; which report he read in his place, and afterwards delivered it in at the table, where the said resolutions were severally read a second time, resolved that this house doth agree with the committee in their said resolutions.

“ORDERED, That a bill be brought in, pursuant to the last resolution, and that Mr. *Brush*, and Col. *Ten Broeck*, prepare and bring in the same. Ordered, That Capt. *Delancey* and Mr. *Walton*, wait on his excellency the governor with the foregoing address and resolutions of the house.”

Mr. *Nathan Clark*, chairman of the committee of the *New-Hampshire* settlers aforesaid, ordered the clerk to read the resolves and votes aforesaid, to the general committee, which was accordingly read sundry times, and the following draught being presented in answer thereto, to the publick meeting; seven persons were selected and chosen out of the said general committee to examine the same, and report their opinion thereon, which here follows.

“WHEN we consider the numberless troubles, and almost insurmountable difficulties which our  
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infant settlements have been forced to struggle with since its first beginning, which have been occasioned by an unequal and biased administration of law, ever since our unhappy misfortune of being annexed to a government in which the interest of the greater part of the leading gentlemen thereof are in direct opposition to our's. The tyrannical measures they take to enslave us, (we hope) will not fail to justify us in the following arguments and resolves thereon; for we think it an intolerable hardship, and piece of inhuman cruelty, that we cannot be said to give sufficient proof of our loyalty and obedience to government but at the resignation of our whole fortunes, in the purchase and improvement of which, we have suffered an infinity of hardship. While we view the spirit of the general assembly in their resolves, we cannot but reflect with some regret, on what may of consequence prove the result (without an alteration) of their present opinion; but there are scarce any circumstances that entirely exclude hope; therefore we are not yet in total despair; for this moment we happily call to mind, that the general assembly of the same province, about two years ago, did annex all that part of the *Bay* province west of *Connecticut* river, to that UNLIMITED county of *Albany*; but their avaricious grappling not being of a sufficient strength for such an unreasonable burthen, it failed, by which they lost their ideal booty.

“THE reader will doubtless observe, that in the resolves of the assembly aforesaid, there is not a single word mentioned in regard to the title of the land contested for, but that they level all their spleen;

spleen, and point all their malice at notorious rioters, as they call them, and make a pretended shew and figure, as though they were great sticklers for good order and government ; although at the same time every person of common sense, who has had any acquaintance and knowledge of the controversy, absolutely knows, that our goodly and, with the labour thereon, is the only subject matter and grand object of the whole controversy ; and give the *New-Yorkers* but that, and the matter would be accomplished to their eternal satisfaction ; and it is presumed the words riotous, disorderly, licentious, &c. would not be printed again on account of the *New-Hampshire* grantees and present occupants, for the whole course of the succeeding century.

“ For the truth of the case is, the executors of the law, are most (if not all) of them the pretended claimants to the lands whereon the *New-Hampshire* grantees and occupants dwell ; and their judgments on writs of ejectment, brought by the *New-York* patentees, have not hitherto failed to correspond with their imaginary interests ; but were they honest men they would not undertake to be judges in their own case, or in any other wherein the resolution thereof would make a precedent for their own, especially in title of land wherein judge and plaintiff are connected in one common interest ; such a distribution of law is contrary to the law of reason and nations.

“ THEREFORE our case stands thus, if we submit to their execution of law, and become obedient and submissive subjects of their designing government, we must soon yield to be their tenants and slaves ;  
and

and we cannot see reason to conform to any law which will apparently bring us and our posterity into bondage, or manifestly deprive us of our property ; but inasmuch as we boldly adhere to the maintenance of our property, which to us is very precious as it would be to the *New-Yorkers*, was it in their hands. We find it is immediately recommended to the governor of the province, by the general assembly, to issue his proclamation, offering therein large sums of money to apprehend those notorious rioters (as they are pleased to stile them ; ) it must indeed be shocking to common sense when the reader comes to observe what notorious complaints, and most horrid accusations are set forth in the resolves of the general assembly of *New-York*, mentioned in the foregoing part of this paper, against thousands of hard labouring, industrious, honest peasants, who are in truth loyal subjects of the crown of *Great-Britain*, for their violations of law and government ; when at the same time the following express orders from his most sacred majesty to that litigious government of *New-York*, will plainly show, that they do not make the least hesitation to rebel and act in direct opposition to the authority of the crown ; when (as in the present case) they shew a disposition to take advantage of the minor part of those under their government, and throw them into contention and disorder, and thereby build their fortunes on the ruin of the pretended aggressors ; and all under the specious pretence of good order and government, which is in fact what they eventually aim at, as will appear by the following order.

*" At a court at St. James's, the 24th day of July 1767.*

P R E S E N T,

|                                    |                               |
|------------------------------------|-------------------------------|
| The KING's Most Excellent Majesty, |                               |
| Archbishop of <i>Canterbury</i> ,  | Earl of <i>Shelburne</i> ,    |
| Lord <i>Chancellor</i> ,           | Viscount <i>Falmouth</i> ,    |
| Duke of <i>Queensbury</i> ,        | Viscount <i>Barrington</i> ,  |
| Duke of <i>Ancester</i> ,          | Viscount <i>Clarke</i> ,      |
| Lord <i>Chamberlain</i> ,          | Bishop of <i>London</i> ,     |
| Earl of <i>Litchfield</i> ,        | Mr. Secretary <i>Conway</i> , |
| Earl of <i>Erifol</i> ,            | <i>Hans Stanley</i> , Esq;    |

" THE petition and report thereon by the lords of trade and plantation affairs, is too prolix to be inserted in this paper ; the royal order is therefore only transcribed which is as follows.

" His majesty taking the said report into consideration, was pleased with the advice of his privy council, to approve thereof, and doth hereby strictly charge, require and command, that the governor or commander in chief of his majesty's province of *New-York*, for the time being, do not upon pain of his majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his majesty's further pleasure shall be known concerning the same.

A true Copy,

WILLIAM SMARPE,

Attest GEO. BANYAR, *Dep. Sec'y.*

" NOTWITHSTANDING this prohibition, and one or two more of the same general import, and from the same authority, the government of *New-York* have lapped their patents on the *New-Hampshire* charters, and in consequence thereof demand at

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common law, the land on which the *New-Hampshire* grantees and occupants dwell; and from hence has arisen the numerous troubles and disturbances between the government of *New-York* and its discontented subjects, the settlers under *New-Hampshire*. This has also been the source of all licentiousness and confusion, riotousness, &c. complained of by that government against the settlers aforesaid.

“ AND whereas the true state of our grants hath been already laid before the worthy lords of the board of trade and plantation, and they having considered and wisely deliberated upon its several circumstances, did on the third day of *December*, A. D. 1772, make their report in favor of the *New-Hampshire* grantees, to his most gracious majesty, whose royal confirmation we daily expect; and on the credit and good faith of this report, many hundreds of industrious (and many of them wealthy) families have purchased and moved upon the *New-Hampshire* grants, nothing doubting of that title.

“ WE therefore humbly report to the said general committee of the *New-Hampshire* grants, as our opinion, 1. That as we ever have, so for the future we will remain loyal and dutiful subjects to our most rightful sovereign *GEORGE* the third, and demean ourselves agreeable to the good and wholesome laws of the realm, and fight for the dignity of his majesty's crown and government at all times when there may be a call for it, viewing him as our political father, and relying on him to be protected in our property.

“ 2. THAT

" 2. THAT as we purchased our lands of one of his majesty's governors, and on the good faith of the crown of *Great-Britain*, we are determined to maintain those grants, against all opposition, until his majesty's royal pleasure shall be known in the premises.

" AND whereas we have never made any further resistance to government, than the law of self-preservation, which the law of God and nature enjoins on every intelligent, wise and understanding being, we therefore are fully of the opinion to resolve,

" 3. THAT such of the magistrates and governmental authority of the province of *New-York*, as have pursued, and have been accessory in the scheme of indicting our friends and neighbours as rioters, and have by intrigue and stratagem of various sorts, endeavored to take them, and punish them as criminals; thereby to dishearten and terrify the *New-Hampshire* settlers to that degree, that they may tamely be dismembered; have acted contrary to the spirit and design of the good and righteous laws of *Great-Britain*, which, under a just administration, never fail to secure the liberty and property of the subject; are thereby guilty of great inhumanity to its respective subjects. We therefore resolve, That as a country, we will stand by, and defend our friends and neighbours so indicted, at the expence of our lives and fortunes. And we would recommend it to the general assembly of the province of *New-York*, to wait the determination of his majesty, relative to the title of those lands, and desist from taking us as rioters, to prevent the unhappy consequences that may result from such an attempt.

“ AND fourthly, and lastly, resolved, That for the future, every necessary preparation be made, and that our inhabitants hold themselves in readiness, at a minute's warning, to aid and defend such friends of our's, who, for the merit to the great and general cause, are falsely denominated rioters ; but that we will not act any thing more or less, but on the defensive, and always encourage due execution of law in civil cases, and also in criminal prosecutions, that are so indeed ; and that we will assist, to the utmost of our power, the officers appointed for that purpose.

“ THE foregoing arguments, narrations and resolves, being laid before the general committee of the *New-Hampshire* grants, and was read sundry times, and carefully examined ; and after mature deliberation, Mr. *Clark*, chairman, put the votes to tryal, whether the foregoing was approved of as an answer to the resolves of the general assembly of the province of *New-York* ? and it was passed in the affirmative. And it was furthermore the advice of this committee, that the foregoing be forthwith exhibited in the public papers, to the intent that all officers, magistrates, and persons whatsoever, may know, that if they presume to take the rioters aforesaid, they do it on their peril.

Certified per

NATHAN CLARK, Chairman.

JONAS FAY, Clerk.

*Bennington, April 14, 1774.*

*The following Law of the Colony of New-York, was passed the 9th Day of March, 1774.*

“ An

"An Act for preventing tumultuous and riotous Assemblies in the Places therein mentioned, and for the more speedy and effectual punishing the Rioters.

"*WHEREAS* a spirit of riot and licentiousness has of late prevailed in some parts of the counties of Charlotte and Albany, and many acts of outrage and cruelty have been perpetrated by a number of turbulent men, who assembling from time to time in arms, have seized, insulted and wounded several magistrates, and other civil officers: so that they dare not execute their functions—refused prisoners for debt—assumed to themselves military commissions, and judicial powers—burned and demolished houses and property, and beat and abused the persons of many of his majesty's subjects—expelled others from their possessions—and finally, have put a period to the administration of justice within, and spread terror and desolation throughout that part of the country which is exposed to their oppression: Therefore, for the preventing and suppressing such riots and tumults, and for the more speedy and effectual punishing the offenders therein.

"Be it enacted, by his excellency the Governor, the Council, and the General Assembly, and it is hereby enacted, by the Authority of the same, That if any persons to the number of three, or more, being unlawfully, riotously, and tumultuously assembled, within either of the said counties, to the disturbance of the public peace, at any time after the passing of this act, and being required or commanded, by any one or more justice or justices of the peace, or by the high sheriff, or his under sheriff, or by any one of the coroners of the county where such

such assembly shall be, by proclamation to be made in the king's name, in the form herein after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of three, or more, notwithstanding such proclamation made, unlawfully, riotously, and tumultuously remain or continue together to the number of three, or more, after such command or request made by proclamation, shall, for every such offence, upon conviction thereof, in due form of law, either in the supreme court of judicature of this colony, or at the courts of oyer and terminer, and general goal delivery, or at the general sessions of the peace, to be held respectively in and for the said counties of *Albany* and *Charlotta*, or either of them, suffer twelve months imprisonment without bail or mainprize, and such further corporal punishment as the respective courts before which he, she, or they, shall be convicted, shall judge fit, not extending to life or limb; and before his or her discharge, shall enter into recognizance with two sufficient sureties, in such sum as the said court shall respectively direct, to be of good behaviour, and keep the peace towards his majesty and all his subjects, for the term of three years from such his, her, or their discharge out of prison.

“ *And be it further enacted* by the authority aforesaid, That the order and form of the proclamation which shall be made by the authority of this act, shall be as hereafter follows, that is to say, The justice or other person authorized by this act to make the said proclamation, shall, among the said rioters or as near to them as he can safely come,

with

with a loud voice command, or cause to be commanded, silence to be kept while proclamation is making; and shall then openly with a loud voice make, or cause to be made, proclamation in these words, or to the like effect: *Our sovereign lord the king, chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pain contained in the act made in the fourteenth year of the reign of king GEORGE the third, to prevent tumultuous and riotous assemblies.* And every such justice or justices of the peace, sheriff, under sheriff or coronor, within the limits of the respective counties where they reside, are hereby authorised, empowered, and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, forthwith to repair to the place where such unlawful, riotous and tumultuous assembly shall be, to the number of three or more, and there to make or cause to be made, proclamation in manner aforesaid.

“ 3. *And be it further enacted* by the authority aforesaid, That if any person or persons do, or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt any person or persons, who shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made; that then every such opposing, letting, hindering, or hurting, such person or persons so being on going to make such proclamation as aforesaid, shall be adjudged felony without benefit of clergy; and that the

the offenders therein, shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy : And that also every such person or persons, so being unlawfully, riotously and tumultuously assembled to the number of three, as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindred as aforesaid, shall, in case they, or any of them, to the number of three or more, shall continue together, and not forthwith disperse themselves, after such let or hindrance, having knowledge of such let or hindrance, shall likewise for every such offence, upon conviction thereof in manner aforesaid, suffer the same pains and penalties as are hereby inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitations, or lawful business, by proclamation as aforesaid.

“ 4. *And be it further enacted* by the authority aforesaid, That if such persons so unlawfully, riotously and tumultuously assembled, or any three or more of them, after proclamation made in manner aforesaid, shall continue together, and not forthwith disperse themselves, it shall and may be lawful to and for every such justice of the peace, sheriff, under sheriff, coroner, or constable, of any county or township where such assembly shall be ; and to and for such person or persons as shall be commanded to be assisting unto such justice of the peace, sheriff, under sheriff, coroner, or constable, who are hereby authorized and impowered to command all his majesty's subjects of age and ability, to be aiding and assisting to them therein ; to seize and apprehend, and

and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously assembled together, after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before any one or more of his majesty's justices of the peace of the said counties of *Charlotte* or *Albany*, in order to their being proceeded against for such their offences according to law.

“ AND that if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing or apprehending them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them ; that then every such justice of the peace, sheriff, under sheriff, coroner or constable, and all and singular persons aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, as well against the king's majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt as aforesaid.

“ 5. *And be it further enacted* by the authority aforesaid, That if any person or persons within the said counties, or either of them, not being lawfully authorized a judge, justice, or magistrate, shall assume judicial power, or shall try, fine, sentence or condemn any person who shall either be absent, or shall unlawfully or forcibly be seized, taken, or brought before him or them for trial or punishment ;

ment; or if any person or persons shall aid or assist in such illegal proceedings, or shall enforce, execute or carry the same into effect; or if any person or persons shall unlawfully seize, detain, or confine, or assault and beat any magistrate or civil officer, for or in the respect of any act or proceeding in the due exercise of his function, or in order to compel him to resign, renounce, or surcease his commission or authority, or to terrify, hinder, or prevent him from performing and discharging the duties thereof; or if any person or persons, either secretly or openly, shall unlawfully, wilfully and maliciously, burn or destroy the grain, corn or hay, of any other person, being in any inclosure, or if any persons unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, shall unlawfully, and with force demolish or pull down, or begin to demolish or pull down any dwelling-house, barn, stable, grist-mill, saw-mill, or out-house, within either of the said counties, that then each of the said offences respectively, shall be adjudged felony, without benefit of clergy; and the offenders therein shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy.

“ 6. AND WHEREAS complaint and proofs have been made, as well before his excellency the governor in council, as before the general assembly, That *Elkan Allen*, some time of *Salisbury*, in the colony of *Connecticut*, but late of *Bennington*, in the county of *Albany*, yeoman; *Seth Warner*, late of *Bennington*, in the said county, yeoman; *Remember Baker*, late of *Arlington*, in the said county, yeoman; *Robert Cotton*, late of *Rupert*, in the county of *Charlton*, yeoman;

yeoman ; *Pelag Sunderland* and *Silvanus Brown*, late of *Socialborough*, in the same county, yeoman ; *James Brackenridge*, late of *Walmesbach*, in the county of *Albany*, yeoman ; and *John Smith*, late of *Socialborough*, yeoman ; have been principal ring-leaders of and actors in the riots and disturbances aforesaid ; and the general assembly, have thereupon addressed his excellency the governor, to issue a proclamation offering certain rewards for apprehending and securing the said offenders, and for bringing them and the other perpetrators and authors of the riots to justice : And inasmuch as such disorderly practices are highly criminal and destructive to the peace and settlement of the country, and it is indispensably necessary for want of process to outlawry (which is not used in this colony) that special provision be made for bringing such offenders in future to trial and punishment, without exposing the colony to the expence of extraordinary rewards and bounties for apprehending such offenders.

“ *Be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for his excellency the governor, or the governor and commander in chief for the time being, by and with the advice of the council, as often as either of the above named persons, or any other person, shall be indicted in either of the counties aforesaid, for any offence perpetrated after the passing of this act, made capital by this or any other law, or where any person may stand indicted for any of the offences above mentioned, not made felony by this act, to make his order in council, thereby requiring and commanding such offender or offenders to surrender themselves

themselves respectively, within the space of seventy days next after the first publication thereof, in the *New-York Gazette*, and weekly Mercury; to one of his majesty's justices of the peace, for either of the said counties respectively, who are hereby required thereupon to commit him or them, without bail or mainprize, to the goal of the city of *New-York*, or of the city and county of *Albany*, to the end that he or they may be forth-coming to answer the offence or offences, wherewith he or they shall stand charged according to the ordinary course of the law; which order the clerk of his majesty's council, or his deputy, shall cause forthwith to be printed and published, in eight successive papers, of the *New-York Gazette* and weekly mercury; the two first of which to be forthwith transmitted to the sheriffs of the counties of *Albany* and *Charlotte*; and the said sheriffs respectively, shall, within six days after the receipt thereof, cause the same printed orders to be affixed upon the door of the courthouse of the county of *Albany*, and upon the door of the dwell-house of *Patrick Smith*, Esq; where the courts are now usually held for the said county of *Charlotte*, and upon the doors of two other public-houses in each of their respective counties. And in case the said offenders shall not respectively surrender themselves, pursuant to such orders of his excellency the governor, or of the governor and commander in chief for the time being, to be made in council as aforesaid; he or they so neglecting or refusing to surrender himself or themselves as aforesaid, shall, from the day to be appointed for his or their surrendry as aforesaid, be adjudged, deemed, and

and (if indicted for a capital offence hereafter to be perpetrated) to be convicted and attainted of felony, and shall suffer death; as in cases of persons convicted and attainted of felony by verdict and judgment, without benefit of clergy; and that it shall and may be lawful to and for the supreme court of judicature of this colony, or the courts of oyer and terminer, or general goal delivery, for the respective counties aforesaid, to award execution against such offender or offenders so indicted for a capital offence perpetrated after the passing of this act, in such manner as if he or they had been convicted or attainted in the said supreme courts of judicature, or before such courts of oyer and terminer, or general goal delivery respectively: And if any offender, being indicted for a lesser offence, under the degree of felony, shall not surrender himself within the time fixed by such order, and after such notice aforesaid, he shall thenceforth be deemed guilty of the offence for which he may be charged by such indictment; and it shall be lawful for the court wherein such indictment is found, to proceed to pronounce such judgment against the offender as might lawfully be done if he was present in court, and convicted in the ordinary course of the law, of the crime wherewith he shall so stand charged as aforesaid. Provided always,

“ 7. *And be it further enacted by the same authority aforesaid, That if any person so neglecting to surrender himself as aforesaid within the said seventy days, shall, at any time after, surrender himself to the sheriff of the cities of New-York or Albany, or of the counties of Dutchess or West-Chester, (who are to receive, and safely keep such offenders) and being*

actually in custody, exhibited reasonable proof to the satisfaction of the judges of the supreme court of this colony, or either of them, that he was not within either of the said counties of *Albany* or *Charlotte*, or within either of the counties of *Cumberland* or *Gloucester*, at any time after the publication and notices above directed, and before such surrender of himself as aforesaid; then such judge before whom such proof is made, shall forthwith notify the same in writing, to the sheriff to whom any warrant of execution for the executing such offender, or any other process for any lesser punishment hath been, or may be issued; and thenceforth such prisoner or offender shall not be liable to suffer death or any other punishment for not surrendering himself— Provided also, that nothing in this act contained shall be construed to exempt any offender so surrendering himself after the seventy days as aforesaid, from any punishment to which he may be liable for any other crime than for not surrendering himself within the seventy days as aforesaid, nor to deprive any person who shall so surrender himself within the seventy days, from being bailed, in cases where he shall be bailable by law; any thing herein contained to the contrary thereof in any wise notwithstanding.

“ 8. *And be it further enabled* by the same authority aforesaid, That all and every person and persons who shall, after the expiration of the time to be appointed as aforesaid, for the surrender of the respective offenders herein before named, harbour, receive, conceal, abet, or succour such offender, or offenders, knowing him or them to have been required

quired to surrender him or themselves by such order or orders as aforesaid, and not to have surrendered pursuant thereto, shall upon conviction thereof in due form of law, suffer the same pains and penalties as are by this act inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitation or lawful business by proclamation as aforesaid.

“ 9. AND WHEREAS the said county of *Charlotte*, hath but lately been set off from the said county of *Albany*, and there is yet no goal or court-house erected within the same; and a great part of the said county being involved in a state of anarchy and confusion, by reason of the violent proceedings of the aforesaid riotous and disorderly people, from whence it must at present be extremely difficult, if not impracticable, to bring offenders to justice within the said county :

*Be it therefore further enacted* by the authority aforesaid, That all treasons, felonies, crimes, misdemeanors and offences whatsoever, at any time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said county of *Charlotte*, shall and may be proceeded against and presented by any grand jury for the county of *Albany*, from time to time, to be impanelled and sworn at any court or criminal jurisdiction to be held in and for the said county of *Albany*, who shall and may charge any of the said offences to have been committed in any part of the said county of *Charlotte*, and all indictments so found by them shall be adjudged to be good and valid, notwithstanding that  
the

the place of perpetrating any of the said offences be in the said indictments alledged to be out of the said county of *Albany*; and all such offences and offenders which shall be presented or indicted as aforesaid, shall and may be tried within the county of *Albany*, and by a jury thereof, and there heard, determined, and punished in the same manner and form as if such treason, felony, crime, misdemeanor or offence, had arisen and been perpetrated within the said county of *Albany*.

“ 10. Provided always, *And be it further enacted*, That if any time hereafter the justices to be appointed for holding courts of oyer and terminer, and general goal delivery, for the said county of *Charlotte*, in cases cognizable before them, or the justices of the general session of the peace for the said county of *Charlotte*, in cases cognizable before them, shall conceive that any prisoner or offender may be lately brought to justice within, and by a jury of the said county of *Charlotte*, that then it shall and may be lawful to and for each of the said courts respectively, to proceed against and try such prisoner or offender, having lawful cognizance of his cause within and by a jury of the said county of *Charlotte*, and him there to acquit or to sentence, condemn, and punish as the law directs; any thing in this act to the contrary thereof notwithstanding.

“ 11. *And be it further enacted* by the authority aforesaid, That this act shall be publickly read in every court of general sessions of the peace, to be held in each of the said counties of *Albany* and *Charlotte* respectively.

" 12. *And be it further enacted* by the authority aforesaid, That this act shall remain and continue in full force and effect from the passing thereof, until the first day of *January*, which will be in the year of our Lord, one thousand, seven hundred, and seventy-six,"

From the *New-Hampshire Gazette*, No. 915.

REMARKS, &c. on some late Laws passed in *New-York*.

His excellency governor Tryon in conformity to the addresses of the general assembly of the colony of *New-York*, having on the 9th day of *March* 1774, with the advice of his council, issued his proclamation, offering therein large sums of money for the purpose of apprehending and imprisoning the following persons, viz. *Ethan Allen, Seth Werner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Brown, James Breakenridge, and James Smith*.

AND whereas his excellency the governor, by the same proclamation, hath strictly enjoined and commanded all magistrates, justices of the peace, sheriffs, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilant in apprehending and imprisoning the persons above-named; and we the aforesaid persons, who have hereunto subscribed, being conscious that our cause is good and equitable in the sight of God, and all unprejudiced and honest men, are determined at all events, to maintain and defend the same 'till his majesty's pleasure shall be known concerning the validity of the *New-Hampshire* grants.—And we now proclaim to the public,

public, not only for ourselves but for the *New-Hampshire* grantees, and occupants in general; that the spring and moving cause of our opposition to the government of *New-York* was self-preservation, viz. Firstly, the preservation and maintaining of our property : And secondly, since that government is so incensed against us, therefore it stands us in hand to defend our lives ; for it appears by a late set of laws passed by the legislature thereof that the lives and property of the *New-Hampshire* settlers are manifestly struck at ; but, that the public may rightly understand the essence of the controversy, we now proclaim to those law-givers, and to the world, that if the *New-York* patentees will remove their patents that have been subsequently lapped and laid on the *New-Hampshire* charters, and quiet us in our possessions, agreeable to his majesty's directions, and suspend those criminal prosecutions against us for being rioters (as we are unjustly denomination) then will our settlers be orderly and submissive subjects to government ; but be it known to that despotic fraternity of law-makers and law-breakers, that we will not be fouled or frightened out of our property ; they have broke over his majesty's express prohibitions, in patenting those lands, and when they act in conformity to the regal authority of *Great-Britain*, it will be soon enough for us to obey them. It is well known by all wise and sensible persons in the neighbouring governments, (that have animadverted on the controversy) that their pretended zeal for good order and government, is fallacious, and that they aim at the lands and labours of the grantees and settlers aforesaid ; and that

that they subvert the good and wholesome laws of the realm, to corroborate with, and bring about their vile and mercenary purposes.

AND, inasmuch as the malignity of their disposition towards us, hath flamed to an immeasurable and murderous degree, they have in their new-fangled laws, calculated for the meridian of the *New-Hampshire* grants, passed the 9th of *March*, 1774; so calculated them, as to correspond with the depravedness of their minds and morals; in them laws, they have exhibited their genuine pictures. The emblems of their insatiable, avaricious, overbearing, inhuman, barbarous, and blood-guiltiness of disposition and intention is therein portraited in that transparent image of themselves, which cannot fail to be a blot, and an infamous reproach to them, to posterity. — We cannot suppose that every of his majesty's council, or that all the members of the general assembly were active in passing so bloody and unconstitutional a set of laws; undoubtedly, some of them disapproved thereof; and it is altogether possible, that many that were active in making the law, were imposed upon by false representations, and acted under mistaken views of doing honor to government; but be this as it will, it appears that there was a majority. And it has been too much the case with this government, for a number of designing schemers, and land-jockeys, to rule the same. Let us take a view of their former narrow and circumscribed boundaries, and how, that by legerdemain, bribery and deceptions of one sort or other, they have extended their domain far and wide; they have wrangled with, and encroached on

their neighbouring governments, and have used all manner of deceit and fraud to accomplish their designs ; their tenants groan under their usury and oppression ; and they have gained, as well as merited the disapprobation and abhorrence of their neighbours, and the innocent blood they have already shed, calls for heaven's vengeance on their guilty heads ; and if they should come forth in arms against us, thousands of their injured and dissatisfied neighbours in the several governments, will join with us, to cut off, and extirpated such an execrable race from the face of the earth !

THIS piece is not supposed to contain a full answer to the new constructed laws aforesaid ; for such a large *ten-year old*, hath never before been seen in *America*, it being of an enormous and monstrous birth ; nor is it supposed to give the legislators their full characters ; but so much may suffice for the present. To quote the laws, and make remarks thereon, would be matter sufficient for a volume ; However, we will yet make some short observations.

1st, **NEGATIVELY**, it is not a law for the province of *New-York* in general, but,

2d, **POSITIVELY**, it is a law but for part of the counties of *Charlotte* and *Albany* ; viz. Such parts thereof as are covered with the *New-Hampshire* charters ; and it is well known those grants compose but a minor part of the inhabitants of the said province ; and we have no representative in that assembly. The first knowledge we had of said laws, was the completion of them ; which informed us, that if we assembled, three or more of us together, to oppose (that which they call legal) authority, we shall be adjudged

adjudged felons, and suffer the pains of death; and that same fraternity of plotters knew, as well as we, and the generality of the people in the adjacent colonies, that they have for a number of years last past, endeavored to exercise such a course of what they call law, that had they not been opposed by the people of these grants (called the mob) in the executing the same, they would, before this time, have been in possession of that territory, for which the laws aforesaid are calculated. Therefore the case stands thus: If we oppose civil officers, in taking possession of our farms, we are, by these laws, denominated felons; or if we defend our neighbours who have been indicted rioters, only for defending our property; we are likewise adjudged felons. In fine, every opposition to their monarchical government is deemed felony, and at the end of every such sentence, there is the word DEATH! And the same laws further empowered the respective judges, provided any persons, to the number of three, or more, that shall oppose any Magistrate, or other civil officer, and be not taken, that after a legal warning of seven days, if they do not come and yield themselves up to certain officers appointed for the purpose of securing them; then it shall be lawful for the judges aforesaid, to award execution of DEATH, the same as tho' he or they had been convicted or attainted before a proper court of judicature, &c. The candid reader will doubtless observe, that the diabolical design of this law, is to obtain possession of the *New-Hampshire* grants, or to make the people that defend them out-laws, and so kill them whenever they can catch them.

Those bloody law-givers know we are necessitated to oppose their execution of law, where it points directly at our property, or give up the same : but there is one thing is matter of consolation to us, viz. that printed sentences of death will not kill us when we are at a distance ; and if the executioners approach us, they will be as likely to fall victims to death as we : and that person, or country of persons, are cowards indeed, if they cannot as manfully fight for their liberty, property and life, as villains can do to deprive them thereof.

THE *New-York* schemers accuse us with many things, part of which are true, and part not. — With respect to rescuing prisoners for debt, it is *false*. As to assuming judicial powers, we *have not*, except a well-regulated combination of the people to defend their just rights, may be called so. As to forming ourselves into military order, and assuming military commands, the *New-York* possies, and military preparations, oppressions, &c. *obliged us to it*. Probably Mess. *Duane*, *Kemp*, and *Banyer*, of *New-York*, will not discommend us for so expedient a preparation ; more especially since the decrees of the 9th of *March*, are yet to be put in execution : and we flatter ourselves, upon occasion, we can muster as good a regiment of mark's-men and scalpers, as *America* can afford ; and we now give the gentlemen above-named, together with Mr. *Brush*, and Col. *Ten Broeck*, and in fine, all the land-jobbers of *New-York*, an invitation to come and view the dexterity of our regiment ; and we cannot think of a better time for that purpose, than when the executioners come to kill us, by virtue of the authority their judges

judges have lately received to award and sentence us to death in our absence. There is still one more notable complaint against us, viz. That we have insulted and menaced several magistrates, and other civil officers, so that they dare not execute their respective functions : this is *true* so far as it relates to the magistrates. But the public should be informed, what the functions of those magistrates are : they are commissioned for the sole purpose of doing us all the harm and mischief they possibly can, thro' their administration and influence ; and that they might be subservient to the wicked designs of the *New-York* schemers. These are their functions ; and the public need no further proof than the consideration that they are the tools of those extravagant law-makers ; and it must be owned, they acted with great judgment, in chusing the most infernal instruments for their purpose.

DRACO, the *Athenian* lawgiver, caused a number of laws (in many respects analogous to those we have been speaking of) to be *written* in blood. But our modern *Draco's* determine to have their's *verified* in blood. They well know we shall more than *three*, nay, more than *three times three hundred*, assemble together, if need be, to maintain our common cause, till his majesty determines who shall be and remain the owners of the land in contest. "*Wilt not thou possess that which Chemoth, thy God, giveth thee to possess ?*" So will we possess that which the Lord our God (and King) giveth us to possess.

AND lastly, we address ourselves to the people of the counties of *Albany* and *Charlotte*, which inhabit to the westward of, and are situated contiguous to the *New Hampshire* grants.

GEN.

## GENTLEMEN, FRIENDS AND NEIGHBOURS,

PROVIDENCE having allotted and fixed the bounds of our habitations in the same vicinity; which, together with the intercourse of trade and commerce, hath formed an almost universal acquaintance and tie of friendship between us; and hath laid such a foundation of knowledge; that your people in general cannot but be sensible that the title of our land is in reality the bone of contention; and that as a people, we behave ourselves orderly; and are industrious, and honestly disposed; and pay just deference to order and good government; and that we mean no more by that which is called the MOB, but to defend our just rights and properties. We appeal to the gentlemen merchants, to inform whether our people in general, do not exert themselves to pay their just debts; and whether ever they have been hindered by the country's MOB, in the collection of their dues. But as the magistrates, sheriffs, under-sheriffs, coroners, and constables of the respective counties that hold their posts of honor and profit under our bitter enemies, we have a jealousy, that some of them may be induced (to recommend themselves to those on whom they are dependant, and for the wages of unrighteousness, offered by proclamation) to presume to apprehend some of us, or our friends: We therefore advertise such officers, and all persons whatsoever, that we are resolved to inflict *immediate death* on whomsoever may attempt the same. And provided any of us or our party shall be taken, and we have not notice sufficient to relieve them, or whether we relieve them or not, we are resolved to surround such person or persons, whether at his or their

their own house or houses, or any where that we can find him or them, and *shoot such person or persons dead*. And furthermore, that we will *kill and destroy* any person or persons whomsoever, that shall *presume* to be accessory, aiding or assisting in taking any of us as aforesaid ; for by these presents we give any such disposed person or persons to understand, that, altho' they have a licence by the law aforesaid, to *kill* us ; and an "indemnification" for such murder from the same authority ; yet they have no indemnification for so doing, from the *green mountain boys* ; for our lives, liberties and properties, are as verily precious to us, as to any of the king's subjects ; and we are as loyal to his majesty or his government, as any subjects in the province : but if the governmental authority of *New-York* will judge in their own case, and act in opposition to that of *Great-Britain*, and insist upon *killing* us to take possession of our "vineyards" come on, we are ready for a game of scalping with them ; for our martial spirits glow with bitter indignation, and consummate fury, to blast their infernal projections.

It may be the reader, not having seen the law referred to in this piece, and not being thoroughly acquainted with the long and spirited conflict that hath subsisted between the claimants under *New-Hampshire* and *New-York*, nor of the progressive, arbitrary, and monopolizing disposition of the court party of the latter of those provinces ; may be apt to imagine that the spirit of this writing is too severe, inasmuch as it destines whoever presumes to take us as felons or rioters, to immediate death ; but let the wise consider the state of the cause.

1. **PROVIDED** we on our part be taken, we have by them laws the sentence of death already pronounced against us, on proviso more than three of us assemble together to maintain and defend our property, till his majesty determines the controversy. And,

2. **MAY** it be considered, that the legislative authority of the province of *New-York* had no constitutional right or power to make such laws, and consequently that they are null and void, from the nature and energy of the *English* constitution; therefore as they merit no place among the laws of the realm of *Great-Britain*, but are the arbitrary league and combination of our bitter and merciless enemies, who, to obtain our property, have inhumanly, barbarously, and maliciously, under the specious and hypocritical pretence of legal authority, and veneration for order and government, laid a snare for our lives. Can the public censure us for exerting ourselves nervously to preserve our lives in so critical a situation? For by the laws of the province, into which we are unfortunately fallen, we cannot be protected in either property or life, except we give up the former to secure the latter; so we are resolved to maintain both, or to hazard or lose both.

FROM hence follows a necessary inference, That inasmuch as our property, nay, our lives, cannot be protected (but manifestly struck at) by the highest authority in the province to which we at present belong; therefore in the interim, while his majesty is determining the controversy, and till he shall interpose his royal authority, and subject the authority  
afore said

aforesaid to their duty, or re-annex the district of disputed lands to the province of *New-Hampshire*, or some way in his great wisdom and fatherly clemency, put the distressed settlers under *New-Hampshire*, on an equal footing with our brother subjects in his realm; we are under necessity of resisting, even unto blood, every person who may attempt to take us as felons or rioters as aforesaid; for in this case it is not resisting law, but only opposing force by force; therefore inasmuch as by the oppressions aforesaid, the *New-Hampshire* settlers are reduced to the disagreeable state of anarchy and confusion; in which state we hope for wisdom, patience and fortitude, till the happy hour his majesty shall graciously be pleased to restore us to the privileges of *Englishmen*.

Signed per

*Bennington,*

*April 26, 1774.*

ETHAN ALLEN,  
SETH WARNER,  
REMEMBER BAKER,  
ROBERT COCKRAN,  
PELEG SUNDERLAND,  
JOHN SMITH,  
SILVANUS BROWN.

"When *Cæsar* reigned king at *Rome*,  
St. *Paul* was sent to hear his doom;  
But *Roman* laws in a criminal case,  
Must have the accuser face to face,  
Or *Cæsar* gives a flat denial.—  
But here's a law made now of late;  
Which destines men to awful fate,  
And hangs and damps without a trial.  
Which made me view all nature through,

To find a law where men were t'ed,  
 By legal act which doth exact  
 Men's lives before they're try'd,  
 Then down I took the sacred book,  
 And turn'd the pages o'er,  
 But could not find one of this kind,  
 By God or man before. T. R."

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## A P P E N D I X,

CONTAINING conclusive arguments in favor of the validity of the *New-Hampshire* grants to the westward of *Connecticut*-river; setting forth the injustice and invalidity of the *New-York* subsequent interfering grants, with observations on the jurisdictions of the respective governments to those lands. And remarks on the state of the right of the colony of *New-York*, &c. And on the narrative of the proceedings subsequent to the royal adjudication, concerning lands to the westward of *Connecticut*-river, &c. published at their sessions, 1773.

THE Appendix was written by the writer of the *Vindication* to which this is annexed, and was printed at *Hartford*, by Mr. EBENEZER WATSON, (deceased) 23d September, 1774.

### S E C T I O N I.

AS the claimants under *New-Hampshire* rely on their charters from that government as the predicate and ground of their title to the property of the land in contest; so, on the other hand, the claimants under  
*New-*

*New-York*, predicate and ground their title to the same land on the validity of their patents from *New-York* : This brings the point in issue between the respective claimants to this single question, namely, *Which of the said governments conveyed the fee of the land in contest ?* For it is self-evident both could not. And upon exploring the controversy, and animadverting on the merits of the different claims, be it which it will that may be allowed to stand the test, and adjudged valid, it will of necessity invalidate the other. In the discussion of this subject, and searching into the merit of the respective claims, it is necessary to inspect into the validity of the grant from king *CHARLES* to the duke of *YORK*, from which foundation only, the government of *New-York* deduce their right of patenting the lands in contest ; yet the matter of fact is, that neither the government of *New-York* as such, or any individual therein, has ever had any conveyance of any land from the duke of *York*, nor doth any landlord or person whatever, in the government hold the fee or property of their land, by virtue of any conveyance from the duke of *York* ; but they hold the fee of their lands on a very different footing, viz. by conveyance from the Crown ; yet, if it be conceded to, that king *Charles* gave to his brother *James* duke of *York*, the fee of the lands west of *Connecticut*-river to the head of *Delaware-Bay* ; and allowing the fee to be still vested in him, his heirs or assigns, upon this hypothesis no person in the province of *New-York* hath the fee or property of the land they possess, the fee remaining the property of the duke of *York*, his heirs or assigns. And further, upon the same principle,

principle, those identical patents under the seal of *New-York*, which were laid on the *New-Hampshire* grants, are in their own nature, equally null and void, with all other conveyances of land in the said province which have been given by the crown, the fee thereof being vested in the duke of *York*, &c. So that the grantees under *New-York* and *New-Hampshire*, are both, upon this stating of the case, equally destitute of the fee of the land contested for; But, upon this stating, the grantees under *New-Hampshire*, have the argument of settlement, and occupation, and possession, on their side; which is abundantly sufficient to give the priority, and preference of title to them; so that neither the government of *New-York* or their patentees, gain any thing by building their title on the said grants to the duke of *York*; for if there be any thing in it, it defeats their own title as well as that of *New-Hampshire*, proving too much for their purpose, or nothing at all. But, if the lands contained in the duke of *York*'s grant reverted back to the crown, then the duke of *York*'s patent became extinct, null, and absolutely void, and is as though it never had been; whether the said reversion happened in consequence of the said duke's abdicating the throne—turning papist, or by any formal surrendery, or by any means whatever, provided the fee became revested in the crown, then the said charter became extinct, as aforesaid; so that whether the fee of the land in dispute still remains in the said duke of *York*, his heirs or assigns, or reverted, or was surrendered to the crown, none of all this will in the least justify the government of *New-York* or its patentees, in  
founding

founding their pretensions of title to the lands aforesaid, by virtue of the aforesaid grant from king *Charles* to the duke of *York*. For, take the argument one way, and it overturns both the title of *New-York* and *New-Hampshire* also, leaving the latter in occupation and possession of the disputed premises, and that only, being intirely destitute of the fee; and the *New-York* claimants destitute of the least colour of title whatsoever. But, take the argument the other way, viz. Provided the fee of the lands aforesaid reverted and been revested in the crown, then the said lands at the time of first granting were crown lands the same as though the duke of *York* had never existed. But the truth of the matter undoubtedly is this, the under proprietors all except *William Penn*, who had the several countries parcelled out to them by the duke of *York*, which was contained in his grant; surrendered their charters to the crown, whereby *New-York* and *New-Jersey*, became royal governments: This then being the state of the case, the lands in dispute became crown lands, and the governor of *New-Hampshire*, as well as *New-York* crown officers, or king's agents, and it is of no consequence to the king which of his governors grants his land, if so be they be granted to and settled by loyal and industrious subjects, thereby adding to the revenue of the crown and enlarging and strengthening the kingdom. This being presupposed, and admit for supposition only, that the governor of *New-Hampshire* exceeded his proper limits in granting crown lands, must the grantees who have settled those lands, paid one of the crown officers for granting the same, and expended their ALL, in settling and cultivating his  
mejefty's

majesty's wilderness land, and who are truly loyal  
 subjects, be turned off the said land by thousands,  
 and reduced to starving poverty, together with their  
 numerous families, because one of the crown officers  
 either ignorantly or designingly imposed upon the  
 people by granting crown lands over his bounds ?  
 This would be extreme wrong, the more so as it can-  
 not be supposed that the subjects are capable judges  
 of the jurisdiction of governments, and consequent-  
 ly there should be the greatest care taken to guard  
 the subject from injury in all cases of this nature ;  
 the truth of which will more fully appear by the  
 following considerations, viz. That notwithstand-  
 ing the supposed error in granting the said lands,  
 yet the great end of the crown in granting of it is  
 compleatly answered ; and provided the subjects  
 i. e. the settlers are quieted in the fee and possession  
 of the said lands, they will not be injured, so that  
 upon this hypothesis, neither king nor subject would  
 sustain damage : Indeed no person in the realm  
 could have just cause of complaint. True, the re-  
 spective governors of *New-York* may insinuate, that  
 upon this state of the case, the governor of *New-*  
*Hampshire* has cheated them out of their fees for  
 granting the said lands—though it is evident, if  
 crown officers are faithful to the king and subjects,  
 they could take no more money for granting crown  
 lands, than a reasonable compensation for their trou-  
 ble, and the other governor's being supposed to  
 grant the lands, saves the said governor of *New-York*  
 the trouble ; so that the argument is brought to  
 this single point only at last, that upon supposition  
 the governor of *New-Hampshire* exceeded his proper  
 limits

limits in granting those lands, yet neither king nor subjects are injured, (provided the claimants under *New-Hampshire* hold the fee of the said land as above) except the governors of *New-York*, and if they be supposed to be honest men, the trouble of granting the land would be equal to their fees had they granted it; so that they have not been injured a whit more in this case, than they be supposed to have injured the subjects by taking exorbitant fees for granting the same lands; which to them is no injury at all, but a providential check to the exercise of their avarice. So that the respective governors of *New-York*, in an equitable sense, are no losers in this affair; or at most the privileges would be so very inconsiderable as to make it meer trifling to mention it, especially when set in competition with the shocking and universal destruction that would overspread a large country of his majesty's good subjects, provided they be dispossessed of the lands aforesaid. This seems to be the genuine sequel of the argument, even upon the *Yorker's* own stating it.

S E C T I O N, II.

**I**T is not conceded to on the part of the claimants under *New-Hampshire*, that the governor did in fact exceed his proper limits in granting those lands, the contrary will abundantly appear from the following considerations, viz. Before and at the time the said governor of *New-Hampshire* granted those lands they were reputed to be within his jurisdiction, this was the opinion of both learned and unlearned, the wise as well as simple, thus it was universally

versally planed in all ancient and modern maps down to the year 1764, when, by royal determination, the jurisdiction of *New-York*, was extended over this disputed district of land. But the general opinion before this royal adjudication was, that the province of *New-York* extended its jurisdiction but twenty miles to the eastward from *Hudson's-river*, so general was this opinion, that the best maps of the two respective provinces, and the history of *New-Hampshire* adopted it as settled; it is of very great weight in the question to shew how universal this maxim was, and that the unprejudiced and accurate geographer Mr. *Mitchel*, in his map composed so late as the year 1755, which with great propriety and certainty ascertains the same limits, this map has the more authority as it was according to the certificate of Mr. *Pownal*, secretary to the board of trade, and was undertaken with the approbation and at the request of the lords commissioners for trade and plantation, and is chiefly composed from draughts, charts, and actual surveys of different parts of his majesty's colonies and plantations in *America*, great part of which have been since taken by their lordships orders and transmitted to the office of the governors of said colonies. This twenty mile line was so far from being deemed unfavorable to *New-York*, that we find the commissioners from that province so late as the year 1767, made an offer to those of the *Massachusetts-Bay* to let a line at twenty miles distance east of *Hudson's-river* be the division between their respective provinces, which the latter commissioners would not then agree to it, being thought by them too much in favor of *New-York*,

so little it seems did *New-York* commissioners conceive their claim as far as *Connecticut*-river could be supported.

THOUGH it is true in the year 1771 the province of *New-York* by a public act of their general assembly, did annex all that part of the province of the *Massachusetts-Bay*, to the westward from *Connecticut*-river, to their county of *Albany*; and it is likewise true that in the year 1773, the governors of the respective provinces met at *Hartford*, in *Connecticut*, and came to a mutual agreement to settle that line at twenty miles distance eastward from *Hudson's*-river, which was the hypothesis of that settlement, which hath since been ratified by his majesty.

THE report of the lords commissioners for plantation affairs in 1753, states the following facts, from which is necessarily inferred that *New-Hampshire* extended its jurisdiction to the westward of *Connecticut*-river,—"There are, says their lordships, about 60,000 acres of land situate on the west side of *Connecticut*-river, which were purchased by private persons from *Connecticut*, to whom the land had been laid out, by the government of the *Massachusetts-Bay* as an equivalent for two or three townships which the latter purchased from the former, this tract of land by the determination of the boundary line between the provinces of *New-Hampshire* and the *Massachusetts-Bay* in 1739 is become a part of *New-Hampshire*."—Thus we have their lordships sentiments that the jurisdiction of *New-Hampshire* extended over part of the very lands in contest, westward of *Connecticut*-river, as long ago as the year 1739, at which time *New-York* never dreamed of

extending their claim to *Connecticut*-river.—There is another glaring and indisputable evidence of the former western extent of *New-Hampshire*, viz. Relative to fort *Dummer* which was built by the *Bay* province in 1724, and garrisoned at their expence a great number of years; but upon its being excluded from their jurisdiction by the settlement of the jurisdictional line, between them and *New-Hampshire* in 1739, the *Bay* province represented to the government at home, that the said district of land and fort *Dummer*, having been determined to be the property of *New-Hampshire*, they were no longer obliged to garrison and maintain it, and praying, that as it was necessary to the defence of the country, that *New-Hampshire* might be directed to support it. In consequence of which, an order passed the king and council in 1744, that the governor and commander in chief of *New-Hampshire*, should forthwith move the assembly, in his majesty's name, to make a proper provision for that service; and at the same time informing them that in case they refused to comply with so reasonable and necessary a proposal, his majesty would find himself under a necessity of restoring that fort, with a proper district of land contiguous thereto, to the province of the *Massachusetts-Bay*, who cannot with justice be required to maintain a fort no longer within their boundary. In consequence of this, *New-Hampshire*, did maintain this fort, and paid a demand of arrears for its maintenance, to the *Massachusetts-Bay*. In the meantime *New-York* was never a competitor for the burthen, willing as she is to enjoy the advantage of granting and engrossing the said lands.

THIS being the case, the government of *New-Hampshire* by the royal decree, was obliged to maintain fort *Dummer*, and it being on the west side of *Connecticut*-river, and on this very identical district of land now in dispute, can that government be justly charged with granting lands in the province of *New-York*, when but a little before his majesty in council had adjudged the same lands to be in the said government of *New-Hampshire* and ordered them to defend it, as by maintaining fort *Dummer*, &c. Surely at that time *New-Hampshire* did extend its jurisdiction westward of *Connecticut*-river; otherwise the king had ordered the government of *New-York* to have maintained fort *Dummer*. Nothing can be more flagrantly evident than, that the government of *New-Hampshire* had a right to grant crown lands where the crown compelled them to defend. From hence it appears, that the government of *New-Hampshire* had a legal right to grant the lands now in dispute, and that, that government and his majesty's good subjects, the grantees of and settlers on the said lands, acted upon honest and honorable principles, in granting, purchasing & settling the same, and on the other hand it appears, that the government of *New-York* in re-granting the same land, acted quite the reverse; and the more unpardonably so, as they granted great part of it in open defiance to his majesty's authority manifested unto them by his express prohibition, dated the 24th day of July 1767.

From what has been already elucidated it appears, that the administration of *Great-Britain* had adjudged in 1739 and confirmed in 1755, that the government of *New-Hampshire* extended westward of *Connecticut*-

*Connecticut*-river, and that this was the general sense of the nation (till ascertained as aforesaid) is real matter of fact.— True no determination of his majesty or reports of the lords of trade had before particularized how far the government of *New-Hampshire* should extend west of *Connecticut*-river; but such determinations of their's mightily strengthened the common opinion, nay, fully confirmed it, that that government extended westward to a twenty miles distance east from *Hudson's* river. This was the opinion both of king and subjects at the time the government of *New-Hampshire* granted those lands; and adventurers could not conceive of any intermediate boundary in one place more than another, between *Connecticut*-river and the twenty mile limit aforesaid; nor had they any apprehension that the government of *New-Hampshire* would extend to the westward of that limit. This twenty mile line took universal and deep impression on the minds of geographers, and was the understanding of the *British* empire; and was thus portrayed in all former maps. The certainty of this general opinion may be further illustrated from the consideration that none of the *British* subjects applied to the government of *New-York* for grants of those lands, till after the alteration of jurisdiction in 1764, except it be, as is pretended by the *New-York* scriblers, that their government extended patents from within the said twenty mile line across the same; and on some part of the premises is dispute; many years before the government of *New-Hampshire* granted those lands—which will be hereafter considered. But, would further add, it is matter of dispute whether the administration at home would

would recognize those patents granted by the government of *New-York*, on the premises aforesaid ; though antecedent to those granted by *New-Hampshire*, inasmuch as the royal adjudication in 1764, could not antecedently impower the government of *York-Fork* to grant them lands, which by royal adjudication of the line of jurisdiction between *New-Hampshire* and *Massachusetts-Bay*, fell within the government of *New-Hampshire* in 1739, as aforesaid. However, for argument only, we will suppose the governments of *New-Hampshire* and *New-York* had each of them equal authority to grant those lands—then on this stating the case, prior granting would of consequence be priority of title. The first conveyance, upon this hypothesis, being good and valid both in law and equity, must necessarily defeat any subsequent grant from the crown or its representatives, being as authentic, to all intents and purposes, as any conveyance of the fee of land from the crown can possibly be.—Thus it appears upon this most favorable concession to those on the part of *New-York*, that the argument preponderates in favor of the claimants under *New-Hampshire*, as their grants are prior to those of *New-York*, (except in the instances of the old patents, yet to be considered.)

FURTHERMORE, it appears by the express words of the *New-Hampshire* grants, that the grantees were not only entitled to the fee of the lands therein described, but also to all the enfranchisements, and each and every of the privileges and immunities that by law his majesty's subjects in the province of *New-Hampshire* enjoy ; so that at the same time the grantees

tees were vested with the fee of the land, they were enfranchised with, and entitled to all the privileges and immunities contained in their charters; as the holding of fairs, choosing town officers, and making and mending their own roads, &c. It is therefore humbly conceived, that provided it should be the future pleasure of his majesty, to continue the said lands in the jurisdiction of *New-York*, (which by the settlers aforesaid is hoped will not be the case) that the claimants and settlers under the said grants, will nevertheless have his majesty's gracious approbation to enjoy without let or molestation, the privileges of incorporation therein contained; the grantees having ever considered those privileges as inseparably connected with the grant of the fee-simple,

### S E C T I O N III.

**F**ROM the facts and reasons that have been advanced in the foregoing sections, it manifestly appears, that the title of the claimants under *New-Hampshire* to the lands in question is indefeasible; yet still there are sundry considerations that may serve more abundantly to confirm and establish this title beyond hesitation. As,

FIRSTLY, The far greast part of the extent of jurisdiction of the province of *New-York*, and great part of *New-Hampshire*, depended entirely on his majesty's pleasure, being wholly in the arbitration of the crown, to be either curtailed or extended. The real grant on which the original circumference of the government of *New-Hampshire* founded, extended but sixty miles from the sea into the country,

to the westward, terminating about twenty miles east of *Connecticut*-river. This government was afterwards enlarged by his majesty's commission to *Benning Wentworth*, Esq; governor of that province, directing it to extend to the westward until it should meet with his majesty's other governments. Which clause of western extension in the said commission, as well as the royal adjudication of the boundary line between this government and the *Massachusetts-Bay* in 1739, and report of the lords of trade in 1755, and many other arguments mentioned in this and the foregoing sections, all on the part of *New-Hampshire*, amount to sufficient evidence, that their government extended so far west as twenty miles east of *Hudson's* river. And with respect to the province of *New-York*, its original northern circumference terminated south of the city of *Albany*, and afterwards, as plantations are extended northerly, either on patents procured immediately from the crown or government, or meer settlements on extra-provincial lands, commissions from the king, to the respective governors were enlarged, as in the example following, viz. A. M. Esq; captain general, governor and commander in chief in and over the province of *New-York*, (then follows the enlargement,) and the territories depending thereon in *America*.—These territories are that extension of jurisdiction beyond their first circumscribed limits, terminating south of *Albany*, called the province. This territorial extension of jurisdiction is altogether in the arbitration of the crown to curtail or extend as before represented. This being the case, the respective governors can no other way be judges of the extent of their jurisdiction,

on,

on, but by directions given them in their commissions, together with his majesty's express proclamations, and public determinations relative thereto, as in the instance of the royal adjudication in 1764; a publication of which, by his majesty's order, gave his subjects to understand, that it was his pleasure that the territorial jurisdiction of *New-York*, should extend to the west banks of *Connecticut-river*, which includes the disputed premises within that government; before this it was impossible for the subjects to know it; if they could have understood it without his majesty's proclamation certifying the same, such proclamation would have been needless and impertinent. The truth of the matter is, his majesty in 1739, determined *New-Hampshire* government should cover the present disputed premises; he altered his determination in 1764, whereby *New-York* extended its territories over the same land. And the king has an undoubted right to alter and regulate the jurisdiction of royal governments as may seem to him mete, so long as his royal power exists; and for the *New-Yorkers* to amuse people of common sense, pretending that it is the ancient and indisputable right of the colony of *New-York* to extend to the west banks of *Connecticut-river*, as its eastern boundary, is the very height of folly. It was in the nature of things absolutely impossible his majesty himself should have known that to have been the case the moment before he determined it, and equally inconsistent that the subjects should know it before his majesty proclaimed it.

FURTHERMORE, it appears by the representation which was laid before his majesty by Lieutenant governor

vernor *Colden*, as an inducement to prefix the west banks of *Connecticut*-river, the eastern boundary of the province of *New-York*—That they were arguments of conveniency, holding up to view that it would be greatly to the advantage of the inhabitants on the *New-Hampshire* grants, to be under the jurisdiction of *New-York*; which arguments are incompatible with the idea of antecedent right of jurisdiction. Likewise, from hence we may see the inconsistency of that government or its patentees, in founding their right in fee to the lands in contest, by virtue of the said royal adjudication of the boundary line on the west banks of *Connecticut*-river; inasmuch as it cannot operate to their advantage antecedent to the date of that adjudication, and afterward cannot be considered any thing more than a mere line of jurisdiction between the respective governments.

It should be furthermore considered, that neither governments were vested with the fee of those lands; their case in this respect, is quite the reverse of that of proprietary governments, who have a right to appropriate the soil. In royal governments, it is true, the governors have a delegated authority from his majesty to grant crown lands; and in such governments it is a prerogative of the crown to alter the limits of jurisdiction; his majesty hath a right to re-annex the disputed premises to his province of *New-Hampshire*, (in which it formerly was, and on the faith of which the claimants under that government purchased and settled the same lands) or incorporate it into a new government, or continue it under the present jurisdiction, as his royal wisdom

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may

may discern to be best for the governed : But, upon such alterations of jurisdiction, private property is never changed or subverted. For, if the property of the subject be in the arbitration of the crown, and liable to the same vicissitudes and changes with jurisdiction, this would destroy the very nature of property, and would render a king absolute, and despotic, which is perfectly inconsistent with the constitution of the kingdom.—Therefore, to convey or alienate property, is the sacred prerogative of the rightful OWNER.—Kings and governors (in the kingdom of *Great-Britain*) cannot intermeddle therewith. There is indeed as much difference between the change of jurisdiction, and transferring of the property of the subject, as there is between light and darkness, although since the said royal adjudication in 1764, the *New-Yorkers*, have endeavored to blend them together to answer sinister and lucrative purposes.—They were sensible, undoubtedly, that such the aforesaid arguments were conclusive against their monopolizing the fee-simple of said lands ; and as it is very common for people, who are upon a design of engrossing the property of their neighbour, to set up some specious pretence of right, to vindicate themselves from the imputation of dishonor and reproach ; so in the present case, the *New-Yorkers* endeavored to draw the curtain of the duke of *York* over their knavery, and under the feigned character of heirs, to that apostate duke, claim the lands aforesaid, and fancy themselves the owners of towns, (fields) and houses that they build-  
ed not.

S E C T I O N, IV.

ALTHOUGH the arguments contained in the foregoing sections are full and conclusive, relative to the nullity and nothingness of the duke of York's grant, at least, such part thereof as concerns the present dispute ; and that neither the government of *New-York* or its patentees gain any manner of title to the land in contest, by predicated it on the validity of that grant, yet the general assembly of the said province in their state of the rights, &c. venture the stress of their whole cause thereon, and deduce all their arguments of title to those disputed premises therefrom : It is therefore partly out of compliment to them, as well as more fully to invalidate, and apparently demonstrate, to every capable judge, the utter insufficiency and defect of title to those lands, by conveyance from the government of *New-York*, that the grant of the duke of York is here brought under consideration : and in order thereto, it is necessary that the second grant be here inserted, which is transcribed from the *New-York* pamphlet verbatim.

“ EXTRACT of King CHARLES  
 “ the Second's Grant of the Pro-  
 “ vince of *New-York*, to his Bro-  
 “ ther JAMES, Duke of York.

“ CHARLES the second, by the grace of God,  
 “ king of *England, Scotland, France and Ireland*,  
 “ defender of the faith, &c. To all to whom these  
 “ presents

“ presents shall come, greeting : Know ye, that we,  
 “ for divers good causes and considerations, have,  
 “ of our especial grace, certain knowledge and mere  
 “ motion, given and granted, and by these presents,  
 “ for us, our heirs and successors, do give and grant  
 “ unto our dearest brother, *James*, duke of *York*,  
 “ his heirs and assigns, all that part of the main land  
 “ of *New-England*, beginning at a certain place,  
 “ called or known by the name of *St. Croix*, next  
 “ adjoining to *New-Scotland* in *America* ; and  
 “ from thence extending along the sea coast, unto  
 “ a certain place called *Petaguine* or *Pemaquid*, and  
 “ so up the river thereof to the furtherest head of  
 “ the same, as it tendeth northwards ; and extending  
 “ from the river of *Kenebèque*, and so upwards, by  
 “ the shortest course of the river *Canada* northwards ;  
 “ And all that island or islands, commonly called  
 “ by the several name or names of *Matowacks* or  
 “ *Long-Island*, situate, and being towards the west of  
 “ *Cape Cod* ; and the *Narrow Highgansetts*, abutting  
 “ upon the main land ; between the two rivers there  
 “ called or known by the several names of *Connecti-*  
 “ *cut* and *Hudson’s* river, together also with the said  
 “ river called *Hudson’s*, and all the lands from the  
 “ west side of *Connecticut*-river, to the east side of  
 “ *Delaware* bay : and also, all those several islands,  
 “ called or known by the names of *Martin’s Vine-*  
 “ *yard*, and *Nantucket*, otherways *Nantucket* ; toge-  
 “ ther with all, &c. Dated the twenty-ninth day  
 “ of *June*, in the twenty-sixth year of the reign of  
 “ king *CHARLES* the second.”

It appears from the sequel of the representations,  
 narratives and arguments contained in the *New-*  
*York*

*York* pamphlet, that the government of *New-York* do not pretend to any conveyance of the fee of the lands in contest from the duke of *York*. But their grand hypothesis is, that the jurisdiction of their government from the first establishment, was predicated on, and bounded by the descriptive limits of the said grant; and consequently, that the disputed premises was never in the government of *New-Hampshire*; and, that that government never was vested with authority to grant those lands, and also consequently, that the grants by them made, are in their own nature void. This is the sum of the *New-York* arguments relative to their title to those lands. Here

FIRST, it is necessary the descriptive limits of the above rehearsed charter be brought under consideration; which includes the countries of *St. Croix*, adjoining *New-Scotland*, *Pemaquid*, the river *Kennebecque*, and the islands known by the names of *Martin's Vineyard*, *Nantucket*, &c. All these countries lying east of *Connecticut*-river, and within the actual jurisdiction of the provinces of the *Massachusetts-Bay*, *New-Hampshire*, &c. and at present not contended for on the part of *New-York*. Their general assembly, in the "state of the right" &c. had done well to have informed the public, whether their "ancient and indisputable right" of jurisdiction extended to every part of the descriptive limits of the grants aforesaid, and if not, to which part it was circumscribed; and when done, and by what authority; whether their governors commissioners, at any time, particularized and determined to what part of the limits of the said duke's grant their jurisdiction should extend more than another, or to the whole;

or,

or, whether any royal edict or proclamation, had ever thus given them such predicated limits of jurisdiction : this is absolutely necessary for them to do, in support of their title to the lands in question. And furthermore, it is requisite for them to demonstrate that those lands were actually contained in such their former limits of jurisdiction ; but, if the government of *New-York* from royal determination, cannot extend jurisdiction to any one part of the descriptive limits of the grant aforesaid, more than to another ; then, on this hypothesis, their jurisdiction includes the whole limits contained in the grant, or none at all ; that it includes the whole, will not be pretended, and that any party, as predicated on them limits, cannot be made to appear : but on the contrary, it appears his majesty and council had no reference to any part of the limits of this grant, in determining the boundaries of the jurisdiction of *New-York* in 1764, as may appear from the royal order itself, an extract of which is as follows : “ His  
 “ majesty with the advice of his privy council, doth  
 “ order and declare, That the west banks of the ri-  
 “ ver *Connecticut*, from whence it enters the pro-  
 “ vince of the *Massachusetts-Bay*, as far north as the  
 “ forty-fifth degree of northern latitude, to be the  
 “ boundary between the said two provinces”—that  
 parrallel of latitude is also established its north boundary. The source of *Connecticut*-river is supposed to be something to the northward of latitude forty-five, and comes much from the north-east, a considerable distance after it passes that latitude ; but it is notorious, that the source of *Hudson’s* river is far south of it ; so that by comparing the descriptive li-  
 mits

mits of the duke of *York's* grant, with those expressed in the royal order, they will be found to be materially different. The limit of that part of the duke's grant which respects the present arguments, is in the words following: " Together also with the  
" said river called *Hudson's* river, and all the lands  
" from the west side of *Connecticut*-river to the east  
" side of *Delaware*-bay ;" which limit, in any possible construction of it, can include but part of the disputed premises, (which said premises extend and are bounded on the forty-fifth degree of north latitude,) as will more fully appear in a further discussion of that line. But,

FIRST, it is manifest that the king and privy council, in determining the extent of the jurisdiction of the province of *New-York*, did not proceed upon the idea of that government's having any antecedent right of jurisdiction to those lands. Had that been the case, the royal order had been predicated on the boundary lines of the duke's grant aforesaid, and could not have comprehended any more land than  
" from the west side of *Connecticut*-river to the east  
" side of *Delaware*-bay ;" and these bounds are so loose, vague, and indeterminate, that it is altogether impossible to found a line of jurisdiction thereon, as will more abundantly appear by the following observations on the descriptive limits thereof, which may be seen at large in the fore part of this section. Therefore, such part only as is necessary for the consideration of the indeterminate bounds before spoken of, is here quoted ; which, after describing the situation of *Long-Island*, and that it abuts upon the main land " between the two rivers there called or  
" known

“ known by the several names of *Connecticut* and “ *Hudson’s river*,” begins the description under consideration, “ together with the said river called *Hudson’s river*.” Observe, that as the description of this river is not immediately connected with any foregoing or following descriptions in said grant; nothing more can possibly be included in it, but a description of the river only, exclusive of one foot of land on either side. The second description “ and “ all the land from the west side of *Connecticut-river* “ to the east side of *Delaware-bay*.” The best mathematician on earth cannot ascertain these limits, except upon arbitrary principles, as there can be no prefixed place on *Connecticut-river* where to erect the first bounds; and as to any particular place on the “ east side of *Delaware-bay*,” where to erect a second, is altogether undetermined in this description: But, inasmuch as it includes all the land from the west side of *Connecticut-river*, &c. there is a little better foundation to establish the first bounds than the second. It seems in order to include all as aforesaid, it would be necessary to extend either to the head of the river, or to the most northerly extension of the whole stream, to make the first bounds; and provided this imaginary bounds should extend north of the forty-fifth degree of northern latitude, it would so far exceed the settlement of the line in 1764. Be this as it will, the most northerly part of the river, which would most likely be the head, would be the most favorable on the part of *New-York*, for to establish a first bounds, and from thence to extend a straight line to some place on the east side of *Delaware-bay*; this is something of a natural construction.

on, on the indeterminate descriptive limits aforesaid, without exploring *Connecticut*-river, which in this case is necessary. And, first, in tracing said river to its source, it is found towards its extremity, to come much out of the north-east. This being the case, a straight line from its head to *Delaware*-bay, would cross said river and include a large tract of land on the east side, and perhaps cross the river sundry times ; the consequences may be drawn thus, that where the line may be supposed to cross the last time ought to be the first real north boundary, of the "ancient and indisputable" limit of jurisdiction of *New-York*. For, if the bounds at the head of the river before spoken of, be so established, it would include considerable land on the east side of the river, within the old boundary of *New-York*, which is contrary to any idea to be gained from the descriptive limit aforesaid, viz. "and all the land from the west side of *Connecticut*-river, &c." Still it may be queried whether there may not be another proposed first boundary better purporting with the description of "and all the land from the west side of *Connecticut*-river to the east side of *Delaware*-bay," between the head of the river, and the place where the imaginary line was supposed to pass ? To this it may be answered, that a place between these two, so far up the river as in tracing a straight line from thence to *Delaware*-bay, would not cross the river, may better agree with the above description : Still, from none of these imagined lines, from the different imagined bounds, or from any other projected, possible, first bounds, can such a straight line be ascertained, till the place for the south-western bound-

dary on the "east side of *Delaware-bay*" be established? And the vagueness of the descriptive limits is so great, that it cannot be determined whether that bounds shall be at the northern extremity of the east side of *Delaware-bay*, or at the southern, where it communicates with the main ocean, or at any other intermediate place between these two: so, that from the uncertainty of the second bounds, it is impossible to establish the first, so as exactly to include "all the land from the west side of the said river to the east side of said bay," and no more. And

Thus it is demonstrated from the vagueness, uncertainty and absoluteness of the descriptive limits of the grant to the duke of *York*, before quoted at large; that it is in the nature of things absolutely impossible to ascertain it. From hence follows a second necessary inference, viz. That it is equally impossible and contradictory, that governmental jurisdiction should be predicated thereon; for an ideal uncertain jurisdiction, in its own nature incapable to be determined, is in reality none at all. And from hence follows a third inference which determines the sequel of the argument on the subject of property, concerning the lands in question, to be in favor of the claimants under *New-Hampshire*: For, it is in the last place equally contradictory and impossible, as in the case of the absurdity of ascertaining the limits of the pretended "ancient" jurisdiction of *New-York*, predicated it on vague and undeterminate boundaries, that, that government should predicate their right to the fee of lands by them thus unascertainable; for as uncertainty and natural impossibility of a jurisdiction's being rendered determinate

nate makes it in reality to be none at all ; so the idea of property, predicated thereon is equally impertinent. True it is, by the royal determination in 1764, the east line of *New-York* extended to the west banks of *Connecticut-river*. Which may be foundation for conjecture, that that limit might have reference to a description in the duke's grant aforesaid, " and all the lands from the west side of *Connecticut-river*," &c. Yet when the representation made by lieutenant-governor *Colden*, to his majesty in council, as mentioned in this pamphlet, under the head of the narrative, &c. comes to be considered, it will reflect light on this point. The arguments made use of in the said representation were those of conveniency and advantage to the settlers on those lands to be in the government of *New-York* : and, that the west banks of *Connecticut-river* was a good and certain boundary," &c. These were undoubtedly the preponderating motives of determining the west banks of *Connecticut-river* to be the east boundary of *New-York*, and such arguments are utterly inconsistent with the notion of an " ancient indisputable right" of jurisdiction.

THERE is still another consideration which may be of moment in the observation of this, to trumpet up, " ANCIENT RIGHT OF JURISDICTION" of the province of *New-York*, to the lands in contest : If it be admitted a line should be drawn from the most northerly part of *Connecticut-river* to the most northern extremity of *Delaware-bay* ; still, it is by no means probable such line would include more than one half (if so much) of the lands in dispute so far as may be judged from the latitude and longitude of  
the

the respective objects ; for considering the course of *Connecticut*-river, which is nearly from north to south, except towards its extremity ; and the sea coast, from the river's mouth, together with *Delaware*-bay, forming also an indented line to the south of west ; the land included in these limits, by a line drawn from *Connecticut*-river to *Delaware*-bay as aforesaid, would (excepting the small promontory formed by the mouth of the bay and the ocean) lye in the figure of an obtuse angled triangle ; and the course of the said line from the river to the bay, according to ocular survey, would be from the north-east a southwesterly direction : which very badly comports with the present north and westerly exercise of jurisdiction of the government of *New-York*, at *Crown-Point*, *Detroit*, &c.—It may here well be observed, the settlers under *New-Hampshire* seem to be in a critical situation ; every arbitrary measure under the present administration of the government of *New-York* is exercised against them ; and provided they flee to the eastward to procure inheritance, there they are fore-closed, the descriptive limits of the said ancient jurisdiction covers them, (to wit) the countries of *St. Croix*, *Pemaquid*, *Kenebeque*, *Nantucket*, *Martin's Vineyard*, &c.—Yet there is another large unknown country to the west and northwest, which has been but partly explored ; and provided these people, instead of fleeing to the eastward, should turn their course to those countries ; there, it is indisputable but that *New-York* would encircle them with another odd description of domain contained in their governor's commissions, i. e. “ *A. B.* captain  
“ general governor and commander in chief in and  
“ over

“over the province of *New-York*,” next follows the description hinted “and the territories depending thereon in *America*.”

FROM the foregoing descriptions of the government of *New-York*, it appears they lay claim to so extensive a domain three different ways, or have three different modes or modifications in comprehending and engrossing their progressive limits. As,

1stly. THE province of *New-York* which falls short of and terminates considerable south of the city of *Albany*.

2dly. “THE territories depending thereon in *America*.” These territories comprehending such plantations, on extra-provincial land, as are and have been carried on adjoining to the province till its territories, are at present extended to *Detroit*, and the neighbourhood thereof, &c.

3dly. The limits of the duke of *York*'s grant, and inasmuch as the grantees and settlers on the lands in dispute, hold their title under *New-Hampshire*, and that government had for several years exercised their jurisdiction over those lands, even till 1764.— Therefore in this case the government of *New-York* could not extend their territorial sort of jurisdiction over the premises; for such sort of jurisdiction might be challenged on the part of *New-Hampshire* (if it should be admitted at that time said premises were extra-provincial lands) and that with far the most propriety. Inasmuch as that government had granted the land and began settlement thereon. Add to this the following clause in governor *Wentworth*'s commission, which they viewed to be of great weight in this case, which, after describing the former limits

mits of *New-Hampshire*, “ and from thence extending west till it meets with his majesty’s other governments.” Add to this also, the reasons held forth in the chain of arguments, contained in the three first sections ; all which were too potent for the *New-York* territorial sort of dominion to frustrate. At that juncture therefore, the lawyers, land-jobbers, politicians, &c. planed out the aforesaid three modes of jurisdiction predicated on the descriptive limits of the grant to the duke of *York*. And on this new moddled plan breathed an air of “ ANCIENT AND INDISPUTABLE RIGHT OF ” jurisdiction, and consequently to the fee of the lands in contest.

THE first intimation that ever saluted the ears of the public, asserting it to be the ancient right of the colony of *New-York*, to extend to *Connecticut*-river as its eastern boundary, was discovered from a proclamation given under the hand of *William Tryon*, Esq; governor of the province of *New-York*, &c. and dated the 11th day of *December*, 1771. His proclamation begins after the following manner : “ Whereas it is the ancient and incontestible right of this colony to extend to *Connecticut*-river, as its eastern boundary.”

THIS was drawing a positive conclusive from fictitious, and till that time, unheard of premises ; and rather influenced people in the several governments, to purchase and settle under *New-Hampshire*, than dissuade therefrom ; for common fame and common sense, were a barrier against the belief of this *New-York* doctrine, which from the time of the royal adjudication in 1764, was by the proclamation aforesaid,

aforefaid, antidated to "ancient." That this doctrine till then, was incontestèd, is thought to be true; for it had but then peept to public confideration, and has ever since been contested.

SHOULD this their new hypothesis be admitted; yet, as hath been before observed, these limits could include but part of said lands, according to the best judgment that can be formed without an actual and accurate survey of the descriptive limimits of said grant; which if the *New-Yorkers* can do and fairly demonstrate, to any able mathematicians, and competent and impartial judges, that they have rightly ascertained those limits, it is engaged on the part of the claimants under *New-Hampshire*, that they shall yield up to the land-jobbers of *New-York*, their lands and labours: an object which undoubtedly would be grateful and pleasing to them; and which they have many years been in pursuit of, and have hitherto had the mortification to be baffled. It is verily incumbant on the government of *New-York*, in order to found title to those lands on this new scheme.

FIRSTLY, to ascertain the limits of their imaginary bounds. This the claimants under *New-Hampshire*, will expect compleated, or to hear no more of those "ANCIENT AND INCONTESTIBLE" boundaries of *New-York*.

## S E C T I O N, V.

THE general assembly of the colony of *New-York*, in their statè of the right of that colony, &c. page 3d, wave the right of the *English* by first discovery,

as being foreign to their purpose, and that the *Dutch* possessions are only material to be supported; and claim no further right by way of the *Dutch*, but priority of possession. Yet in the same page inform, "when the first war between *England* and *Holland* became inevitable, king *Charles* the second, by letters patent dated the 12th day of *March*, 1663-4, granted to his brother the duke of *York* the tracts of country, which comprehended *New-York*. To render this gift effectual, before the war was proclaimed; a fleet and land forces were sent out to remove the *Dutch* and put the duke in possession."—The circumstances that attended the making this grant, and sending the armament to render it effectual, is a sufficient reason to determine that the government at home, at that time, viewed the *Dutch* settlement as an intrusion, and possession (which is all they rely on) gained by trespass, in legal construction, is no possession at all. That the *English* had prior right to all the countries from forty to forty-eight degrees of north latitude; by virtue not only of discovery by *Sebastian Cabot*, and others, but by being in actual possession of several parts of the premises, is matters too well known to be disputed.

WHETHER there was real seisin in the crown or not at the time of granting these countries, is not truly in question; since every grant so made is incontestibly valid against the king, his heirs and successors; and the colony of *New-York* being entirely dependant on the crown of *Great-Britain* for their title; priority of charter is therefore necessary to be determined.

THE grant of king *James* the first to the council of *Plymouth*, bearing date at *Westminster*, the 13th day of *November*, in the eighteenth year of his reign, comprehends all the lands, islands, &c. from forty to forty-eight degrees of north latitude, through the main land from sea to sea. "On the 19th day of *March* 1628, the council of *Plymouth* under their common seal, did grant to sir *Henry Roswell*, sir *John Young*, and others, their heirs and associates for ever, all that part of *America*, lying between the great river there, commonly called *Monomack*, alias *Merimack* and *Charles* river, within the space of three miles to the northward of the same river, called *Monomack*, alias *Merimack*, or to the northward of any or every part thereof, and in length and longitude of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic or western sea or ocean on the east part, to the South sea on the west part."

THIS deed of sale at the suit of the grantees, with a charter of incorporation, was granted and confirmed by king *CHARLES* the first, the 4th day of *March* 1629, wherein the limits are exactly the same with those in the *Plymouth* conveyance; and the proviso of *CHARLES*, that the actual settlement of the subjects of other christian states to determine the extent, the same as was the proviso in *James's* grant to the *Plymouth* company.

THIS same charter of incorporation was adjudged void in the high court of chancery of *England* in 1684; from which the assembly of *New-York* in their state, &c. page 5th, take occasion to say "the title of that colony now solely depends on their

“new charter of 1691.” Nevertheless, the right of soil to all and every part of the deed of sale aforesaid, remained indefeasible ; for, only animadvert back to the *Plymouth* conveyance, and observe, that the right in fee, was by them conveyed to the grantees ; and trace it to king CHARLES’s charter of incorporation, which only vested the grantees with powers of government. Though it is true, this charter contains all the formality necessary in the conveyance of the fee ; yet is, so far as respects the fee, no more than a duplicate of what was before granted, which neither adds nor diminisheth ; and it is easy to see, that the court of chancery could not vacate or make void, at most, any thing more than those incorporate privileges ; and likewise as easily discernable that nothing more was attempted. Thus the colony of the *Massachusetts* still hold their right in fee, by conveyance from king JAMES to the council of *Plymouth*, who were their grantors.

In the next place it may be observed, that in 1691 the privileges of incorporation were restored ; tho’ our authors in their state &c. endeavor to curtail the colony of the *Massachusetts*, by construing their last charter to extend no further west than the east limit of the colony of *Connecticut*. Their words are these, “these words (*as far as*) being in the case of the grant of the crown on the suit of the party, in legal construction, carry the *Massachusetts*-bay colony no farther westward than till it meets the colony of *Connecticut*, and not to *Connecticut*-river, and much less to the westward of it.” Be these bold assertions as they will, and provided it be here admitted, for argument sake, that the powers of jurisdiction of the province

province of the *Massachusetts-bay* be ever so much curtailed, yet one proposition we can verily be assured of viz. That it is not in the power of king or chancery to curtail or deprive them of their property.

It is to be further observed, that however our authors may criticise upon the gramatical or legal construction of selected words or phrases; yet, a little attention to the following real facts, will clearly point out the inconsistency of such sophisms.

FIRSTLY, *Connecticut* charter, granted by king CHARLES the second, the 23d day of *April* 1662, was bounded and extended in length, by and with the *Massachusetts* first charter, granted by king CHARLES the first, the 4th day of *March* 1629, which incontestibly extended agreeable with the aforesaid descriptive limits of the deed of sale from the council of *Plymouth*, to sir *Henry Roswell*, sir *John Young*, &c. and extended through the main land in longitude to the south sea on the west part.

THIS charter, as above, being nullified in the high court of chancery of *England* in 1684, and restored again in 1691, wherein the west extent of limit is predicated by that of *Connecticut*, and this west limit of *Connecticut* being predicated by the old charter of the *Massachusetts-bay*, and expressly extending in longitude to the South sea on the west part, exactly extends the present charter of the *Massachusetts-bay*, with its powers of jurisdiction to all, and every part of the limits of the old nullified charter. This is the natural and legal sense of the present charter of the colony of the *Massachusetts-bay*, predicated on undeniable facts.

In the next place 'tis necessary to consider the charter of *Connecticut*, which our authors inform should not extend west of *Connecticut*-river, in the words following : " This being a crown grant on  
 " the suit and petition of the grantees, is to be taken most beneficially for the king. The descriptive words, and the intention of the grant, will  
 " in legal construction be satisfied by giving the colony the same length as the *Massachusetts*-bay ;  
 " and it is plain both from the recital and the saving clause in the *Plymouth* patent, on which the *Massachusetts*'s title was founded, that the latter could  
 " not in any sense, extend to the westward of *Connecticut*-river." As this their assertion is founded on the hypothesis of *Connecticut* charter's being predicated on that of the *Massachusetts*'s, and therefore the arguments before exhibited on that head, are equally conclusive for the establishing the western extent of *Connecticut*, nothing more is necessary for that purpose, but a recital of the descriptive words of their charter, granted subsequent to their purchase from the council of *Plymouth* by king CHARLES the second, the 23d day of *April* 1662, " bounded on  
 " the east by *Narraganset*-river, commonly called *Narraganset*-bay where the said river falleth into  
 " sea ; and on the north by the line of the *Massachusetts* plantation ; and on the sea, and in longitude as the line of the *Massachusetts* colony, running from east to west : that is to say, from the said  
 " *Narraganset*-bay on the east, to the South sea on the west part." Thus it appears and only by the demonstrations aforesaid, but from the express words of the descriptive limits of the charter itself, which

which cannot admit of a double meaning, (curious as our authors be in the art of playing with words, they have not attempted to obviate their literal meaning,) that it is the unquestionable right of the colony of *Connecticut* to extend its western boundary to the South sea on the "west part;" and in this that colony agree, who are now challenging their right in fee to those limits, and actually making plantation, as at *Susquehanna*, &c.

By this time, undoubtedly queries will arise in the mind of the reader, what will become of the grant to the duke of *York*, if the *Massachusetts*'s and *Connecticut* colonies extend "to the South sea on the west part?" The following intelligence from our authors will introduce an answer to this query; who, after describing said grant further inform in page 3d of the state, &c. That "a fleet and land forces were sent to remove the *Dutch* and put the duke in possession." Accordingly, on the 27th day of *August* 1664, the *Dutch* governor *Stuyvesant*, surrendered by capitulation, all the countries the *Dutch* then possessed, to king *CHARLES* the second; when among other terms it was stipulated, "that all the people shall remain free denizens, and shall enjoy their lands, houses, and goods, wheresoever they are within this country, and dispose of them as they please." Thus by conquest, the king became revested with his right to the lands conquered: for, as the king had antecedently disposed of the estate the crown was possessed of in these countries, to the colonies of *Connecticut* and the *Massachusetts*-bay; therefore his right now could not extend any further than the actual conquest, which, in legal construction, must be

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demonstrate priority of title to be in favor of *New-Hampshire*; to which the curious reader is referred for a consideration.

As has been before observed, the design of the duke of *York's* grant was to include the *Dutch* possessions; or in other words, that it never was valid any further than to such possession, which by conquest, reverted to the crown, and no farther than these limits, to interfere with the charter colonies of the *Massachusetts* and *Connecticut*. And as a twenty miles line to the eastward from *Hudson's* river would include the most eastern extent of the afore-mentioned possessions, the reason why such a line was agreed to as the boundary between the colonies of *Connecticut* and *New-York*: But, as these possessions to the northward of *Connecticut*, fell far short of this twenty mile line, or were so inconsiderable and uncertain as not to come within the capitulation reserve; therefore the *Massachusetts* colony contended with *New-York* for a further western extent than twenty miles east from *Hudson's* river; but the restless government of *New-York*, ever uneasy within its own boundaries, presumed unrelenting, to intrude on, and contesting for the just rights of the *Massachusetts*, by extending their patents far to the eastward of twenty miles from *Hudson's* river; in consequence of which the greatest disturbances have arisen between the inhabitants of the respective colonies, and sundry of the conflicts so severe, that human blood spilt in the contest redened the hands of the intruders; but finally a boundary line was agreed to by the respective governments in 1773, at a twenty miles distance from *Hudson's* river, which has since been ratified by his majesty.

In the state of the right, &c. page 4th, is the most extraordinary account of alienation of property that is to be found in the annals of history. "The duke continued proprietor and chief governor of this province till he ascended the throne, when his right merged in the royal authority, on his abdication it passed to king *William*, his successor, as lord proprietor and royal sovereign." That upon the duke's accession to the throne his right of government merged in the royal authority will not be denied ; but, that his right in fee consequently passed to king *William* as his successor, wants greater proof than a bare assertion ; our authors should have explained this matter ; 'tis taken for granted they will not pretend that king *William* was heir at law to the duke's estate, and they mention no conveyance from the duke to the king, but say the "duke's right merged in the royal authority ;" to suppose it is possible that right should pass to king *William*, as lord proprietor, is so great an absurdity, that it wants a name.

In the same page they further inform, that "in the duke of *York*'s commissions to his several lieutenant governors Major *Edmond Andross*, on the first day of *July* 1674, and Colonel *Thomas Dongan* on the 30th day of *September* 1682, among other description of the boundaries of this province are expressly comprehended all the land from the west side of *Connecticut*-river to the east side of *Delaware*-bay." Note, those commissions were from the duke before he ascended the throne ; undoubtedly in his commissions to his lieutenant Governors, he had reference to the limits of his grant, to deter-

mine their boundaries : but after his abdication, and the accession of king *William* and queen *Mary*, we find a commission from their majesty's to *Henry Slaughter*, to be materially different. "King *William* and queen *Mary*, by their commission, dated "the fourth day of *January*, in the first year of their "reign, appointed *Henry Slaughter*, to be governor "of the province of *New-York*, and the territories "depending thereon in *America*." The same assembly (stiled our authors) further inform, that "in "all subsequent acts and commissions this colony is "described by the same words, the province of *New-York*, and the territories depending thereon in *America*." No arguments need be used to prove, for it is self-evident, their majesty's had some different idea of the province of *New-York*, than what had been before described by the duke's commissions to his lieutenant governors, and a little attention to the original state of that government, will explain that difference. Our authors further inform, page 17th, "The *Ransfelaer* family are not indebted to "the government of *New-York* for their estate, they "continue to enjoy it by an act of justice and not "of favor ; it was originally a *Dutch* colony of itself, granted to their ancestors by the *Dutch West-India* company, who held it as a part of *New-Netherlands*, under the states general. On the surrender in 1664, their rights were secured to them in common with the rest of the inhabitants, by the before-mentioned article of capitulation granted on the surrender of the country, by Col. *Nichols*, the commander in chief under the crown, and lieut. governor under the duke : the faith of

" govern-

“government was pledged for their security, and  
 “their estates were confirmed under the seal of this  
 “colony in the year 1685, not by meer act of the  
 “provincial governor and council, but by an ex-  
 “press order of king *James* the second.” They fur-  
 ther inform page 5th, “so long ago as the year 1685,  
 “king *James* the second, by letters patent under  
 “that seal granted to the *Ransselaer* family the ma-  
 “nor *Rensselaerwyck*, extended from *Hudson’s* river  
 “both on the east and west sides twenty-four miles.”  
 This manor includes the city of *Albany*, and extends  
 near twenty miles to the southward of it; south of  
 which terminates the province of *New-York*, ex-  
 pressed in their governor’s commissions, so that this  
 manor is included in their second description of do-  
 main, viz. the territories depending thereon, and ex-  
 clusive of this clause in the commissions, antecedent  
 to the fore-mentioned determination In 1764, the  
 governors of *New-York* cou’d not exercise jurisdic-  
 tion even in the manor of *Rensselaerwyck*, and much  
 less to the northward of it, as settlements which lay  
 contiguous to those limits seemed necessarily to fall  
 under the jurisdiction of that government. Thus  
 their territorial sort of dominion hath been extended,  
 without any prescription or limitation, agreeable to  
 the observation of their celebrated judge *Smith*, who,  
 speaking of that government, said “it might well  
 “be accounted *unlimited*.”

It may be further offered in objection on the part  
 of *New-York*, that allowing the foregoing arguments  
 relative to the territories, and that *Rensselaerwyck*  
 was, before the æra of the aforesaid determination,  
 in fact annexed to the government by the territorial  
 clause

clause in the governor's commissions; yet, nevertheless the duke's grant must be valid to the northward of that manor, to all the lands it originally covered. This cannot operate in favor of *New-York*, for, in addition to what has been before argued to this purpose, the reader is desired to observe, that king *James* the second, who was this same duke of *York*, abdicated the throne in 1688, and his estate reverted to the crown of *England*, and this grant became vested in the crown, the same as though the duke or his grant had never had an existence.—Nor have any of their governor's commissions, from *Henry Sloughter*, the first governor appointed by king *William* and queen *Mary*, down to this present æra, ever been predicated on, or had the least reference to the limits of that grant.

## SECTION VI.

THE government of *New-York* make the greatest outcry against her sister colonies, taxing them with intrusion, violence and encroachment; and at the same time, are flagrantly more guilty of the same avaricious, unjust, and hostile wickedness than all the rest of the *English America*. Their capricious land-jobbers have a surprising faculty in carrying their points; at the same time they are encroaching upon their neighbours, provided they meet with opposition, they will cry out in the most exaggerating exclamations, violence, riot, treason, &c. and at the same time, not hesitate to trample upon his majesty's authority; (the particulars of which may be seen in the preceding narrative.) They are great advocates  
for

for law, order, and good government; these are their horns of iron, and with them do they push the poor and needy, when they get them into their net. Their way is as the way of a serpent upon a rock, and it is difficult to trace their footsteps: They complain of the lawless, factious, and riotous conduct of the settlers under *New-Hampshire*; yet know, that they themselves are the moving cause of all the disturbances they complain of. It is incredible to suppose a collection of farmers exposed to the perpetual fatigues and laborious toils of cultivating a wilderness country, should under a just administration of law, become "a confederacy of insurgents." Was it only that natural presumption being so much in favor of those inhabitants, it is humbly conceived, that all wise and unprejudiced persons will, at least suspend their judgments concerning them, till the *New-Yorkers* can clearly evince, that these people are in reality, without cause, tumultuous, disorderly, &c. And, inasmuch as the facts of this controversy is so fully set forth in this treatise, the reader is thereto referred for a clearer exhibition.

Our authors' in order to maintain their claim to the lands in contest, and if possible, to include it within one of the descriptive limits of the grant to duke of York, tell us many strange things about the colonies of *Connecticut* and the *Massachusetts*: that *Connecticut* "in legal construction" should not have extended to the westward of *Connecticut*-river; and that their settlements west of that river were an intrusion on the right of the colony of *New-York*; yet, nevertheless for peace sake, and rather than contest with "a powerful neighbour," they settled with  
that

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bouring colonies more or less, out of their lands, as subsequent policy, intrigue and power, would render practicable.

THAT government, thus extended their patent into *Connecticut*, one in particular, into the township of *Salisbury*; and it has ever been their practice to wrangle till they find by experience that neither by sophistry, law, or hostility, they can maintain their exorbitant claims, and then capitulate on as good terms as they can; and conclude with branding their competitors with dishonesty, encroachment and many hard names, and don't scruple to impeach their governmental authority, (as in the case just recited of the *Massachusetts-bay*) with being disrespectful to his majesty's authority, and guilty of great mischiefs and disorders; although the authority of their own government, by their unjust, avaricious encroachments on the *Massachusetts* even to *Connecticut-river*, laid the foundation of those disorders, and they might have added blood-shed; yet their assembly have the impudence to palm it all upon the authority of the *Massachusetts*.

THE claimants under *New-Hampshire* are so happy as to be almost exempted from any *New-York* claims, by patents from that government prior to their's; the aforesaid *Hacick* and *Wallumscok* patents being the only ones of this nature, the former includes about one quarter of the township of *Pownal*, on which part were about four settlers, when it was granted by *New-Hampshire*. This township is bounded southerly by the north line of the *Massachusetts-bay*, and extends west as far as the *Connecticut* and *Massachusetts* colonies; the latter, i. e. *Wallumscok*

*lumfcock* patent, was granted under the common seal of the province of *New-York*, the 15th day of *June* 1739. This patent is said to interfere with the township of *Bennington*, and it is matter of dispute, whether in its first location, it included more than about thirty or forty acres within that town, tho' it seems the patent by its descriptive limits, extends further into the town, and the patentees produce a map corresponding with those limits. This monument is well known by the *Bennington* people, and is on the western edge of the town; and there has never been a discovery of any lines of the survey of that location to the eastward of this monument. The many circumstances of this nature, amount to almost a certainty, that the patentees never made any actual location further interfering with *Bennington*, than, as aforesaid; notwithstanding, as they have planned their patent, it includes about one eighth part of the town; which lands are exceeding good in nature, and are settled wholly under the *New-Hampshire* title, by industrious farmers, who form a wilderness state, have cultivated and brought the most of it under good improvements, with many valuable houses, barns and orchards; some of them annually mowing at least eighty tons of hay, and raise other produce of the country in proportion. Not the least improvements of possessions were ever made in that town, except by these inhabitants; neither had they the least knowledge of a pretence of any *New-York* patents extending there till several years after they had settled the land. As has been before observed, there were about four settlers on that part of *Hosfick* patent, included in

the township of *Pownal*, when it was granted; and if the author has a right information, there has not been any more settlements made under the *New-York* title since, though there had sundry families settled on the premises included as aforesaid, under the *New-Hampshire* title.

As the state and circumstances of such part of the townships aforesaid as are included in the old patents, are materially different in many respects, from the circumstances of the *New-Hampshire* grants in general; it will therefore be necessary that this matter have a particular consideration; and that none of the aforesaid arguments be considered in this case but what are truly applicable; and in this review of the case, it will be admitted, that the old *Wal-lumstock* patent includes such part of *Bennington* as the plan the patentees exhibit doth contain.

It is taken for granted that the royal determination of the boundary line in 1764 could not extend the government of *New-York* antecedent to the date of that order, which was a manifestation of royal power, and which was the sole cause of that extension; therefore, at the time the government of *New-York* granted the forementioned old patents, they could have no greater authority for so doing than what they were then in fact possessed of: It remains therefore to be considered, whether the patents from the government of *New-York* are valid or not, so far as they interfere with the townships of *Bennington* and *Pownal*. And firstly, it has been proved that the province of *New-York* as described in their governor's commissions, doth not extend so far north as the city of *Albany*; therefore the northern

tracts

tracts of country which these patents of *Hoofick* and *Wallamscott* cover, must be considered as belonging to their second sort of domain, (to wit) the territories. It has also been shewn, that these territories are not circumscribed to any particular limity, but that they were originally meant to include some ancient grants that were independent of the province and adjoining settlements, on extra-provincial lands: probably that government may have authority to grant land to the west and north-west, where it is indisputably unappropriated, and where the claim of none other government could interfere: but it will be insisted upon, on the part of the *New-Hampshire* settlers, which are included in the aforesaid old patents, that the government of *New-York* had no right to extend any of their patents to the eastward of a line equivalent to that which constitutes the bounds between *New-York* and the colony of *Connecticut* and *Massachusetts*. This limit was ever thought by the people in general of the colony of *New-York*, as well as those of the adjacent colonies, to be the eastern boundary of *New-York*, until the æra of the late determination, which extended it to the river *Connecticut*: and labouring men that support the world of mankind, are obliged to form their judgments of the jurisdiction of governments by the common received opinions of mankind they are conversant with; and even admitting they make an erroneous judgment, yet, in the present case, as the lands were of but little value, exclusive of their tillage and cultivation; and as the farmers in reality uphold the state, it is therefore not only incumbent on the laws, but on the policy of the state to defend them.

in cases of this nature—it must be admitted that where the limits of governments are clearly ascertained and notoriously known, that a farmer trespassing in this manner on another's property, must bear the loss. But, provided a country of people be generally under a deception as to matters of jurisdiction, and purchase land and make great improvements, and all on a mistaken footing ; men in such circumstances should be considered in the most favorable light. For, as not only individuals, but the country about them were in the same manner deceived, and therefore, at the time of purchasing and settlement, they were utterly destitute of the means of knowledge ; yet, however, it is not conceded to, that those farmers on whose account the present arguments are exhibited, are under a deception about this matter ; for of all sorts of governmental jurisdiction, the *New-York* territorial was the weakest, loosest and most vague ; it was rather occasional and political, than positive ; and in its own nature almost or quite incapable of being extended faster than settlements were actually carried on, or at most the lands exposed to this territorial jurisdiction, should not be patented faster than his majesty's subjects are disposed forthwith to settle. The necessity of granting so fast may be pleaded on account of order—the policy of government may demand it ; otherwise an occasional jurisdiction would be altogether unable to abilitate the government to make conveyance of the right in fee ; although it is indisputable that such a jurisdiction in matters of meer government, is to all intents and purposes, equal to positive jurisdiction ; but with respect to having a  
power

power to convey the fee of lands, is matter of doubt : But thus much with propriety may be inferred, that a title so weak and impotent should not claim superiority over the least conception of title whatever ; a meer possession is of itself abundantly sufficient to maintain the right in the possessor, and on a judicious trial at common law, (could such an one be had) would be adjudged paramount to it.

THERE is another consideration that must totally extinguish and obliterate all possible remaining idea of right, that the patentees of *Wallumcock* may be supposed to have the said tract of land included in the limits of the township of *Bennington*. Only advert to the date of that patent, which is on the 5th day of *June* 1739, and compare it with the time of the commencement of the settlement of *Bennington*, which was in the spring of the year 1760, and there will be found to be twenty-one years from the date of this patent, to the beginning of the settlement under *New-Hampshire* ;—in all this time there was not the least settlement or possession made in the premises ; although the express condition of the patent was, that it should be settled in three years from the time of granting. Possibly in all that time the patentees might have got some *Dutch* tenants on some western part of the patent, which, with the government of *New-York*, may be denominated a fulfilment of the condition of settlement ; many large tracts having been patented, some since and others longer ago than *Wallumcock*, which are yet mostly a howling wilderness. This practice of the government of *New-York* in extending their patents to the eastward of a twenty mile line from *Hudson's* river, hath

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fore said, particularly in the appendix. In this brief review, it would be too tedious, as well as needless, to trace the authors through all their disguised and fictitious representations, and intricate windings. Shall therefore pass on with noting such of their exhibitions as are the most cruelly fallacious; among which the story of the extension of the township of *Bennington*, merely by a vote of the inhabitants at a town meeting, to the westward from where it was intended to be granted, and within seventeen miles of *Hudson's* river, is the most flagrantly opprobrious. The story may be seen recorded in the 4th page of their appendix. "The grantees of the township of *Bennington*, discovered that the situation of the tract according to the intention of the grant, would be both inconvenient and unprofitable, as it included a large proportion of mountain; and they therefore, by no better authority than a vote of town meeting, presumed to extend it to the westward within seventeen miles of *Hudson's* river."

As this representation in all and every part is entirely groundless, and no pretence of proof to support it, but is the meer calumnious aspersion of those who have an implacable hatred to the *Bennington* people, a positive denial of the facts alledged would be sufficient refutation of those facts. Nevertheless as the assembly of *New-York* have made a principal engine of this infamous story of their own creation, to destroy the good character of the people aforesaid, by representing them to the government at home as the vilest of insurgents and out-laws—and inasmuch as the facts alledged are capable of disproof by mathematical certainty, and sundry demon-

stations of this sort having been actually made,  
 (though not with a view of disproving this calum-  
 ny, as it had not then been published,) by admea-  
 surations of the distance from *Hudson's* river, to the  
 westerly line of *Bennington*, all which agree that it  
 is at least twenty miles. Mr. *Samuel Robinson* for  
 once made an actual measurement of that distance,  
 and found it to be twenty miles and thirty-five  
 chains; his affidavit and Mr. *Edmesar Wood's* toge-  
 ther with an annexed copy of the survey of that town  
 by Mr. *Matthew Clifton*, the surveyor, is thought  
 expedient to transcribe in its following order, which  
 will abundantly serve to exculpate the people of  
*Bennington* from that odium wherewith they have  
 been branded. The author is furthermore espec-  
 ally directed by the inhabitants of that town, to "re-  
 " quest the government of *New-York* to vindicate  
 " what their assembly have before alledged, by an-  
 " other accurate measurement of the distance from  
 " *Hudson's* river, to the westerly line of *Bennington*;  
 " and further notify that assembly, that as our opo-  
 " nent as they may conceive themselves to be, they  
 " must nevertheless recede from the calumny where-  
 " with they have abused the inhabitants of that  
 " town, or continue under the resentment of those  
 " inhabitants;" Which takes an additional affront  
 at the ill usage, inasmuch as our opponents tell us  
 page 2d, it is so "be maintained for the informa-  
 " tion of the government at home;" and further in-  
 form that it was to guard against the impositions  
 which from the want of candor, they were appre-  
 hensive the said farmers, who "inured no art or act  
 of violence," would by their agents deceive the go-  
 vernment

vernment at home, and therefore they had undertaken to transmit a narrative of those settler's proceedings, for the information of that government. It seems the said assembly fully resolved that the settlers and agents from the want of candor, would endeavour artfully to deceive, &c. and that themselves were as fully resolved to overmatch them in a game of that sort, being greater practitioners than peasants : but artful as they are, they made a fatal mistake in advancing for matter of fact that which in its own nature is incapable of proof, and what has been disprov'd by evidence of a mathematical nature, and capable of further dis-proof by actual mensuration. It is no ways marvellous that those gentlemen which govern in that assembly have an antipathy against the inhabitants of *Bennington*, who have had a great share in defeating them in obtaining possession of the country of the *New-Hampshire* grants. It seems they are not insensible of their merit, for, say they, " it is to this township erected  
 " by a charter in itself void, and so greatly abused,  
 " that we are to ascribe all the opposition which has  
 " since been given to the jurisdiction of *New-York*." It is evident that these gentlemen have an evil eye upon *Bennington* inhabitants ; for, when they mention the opposition to their jurisdiction, they take care to repeat the aforesaid groundless aspersions, by adding these words, " erected by a charter in itself void, and so greatly abused." They still proceed upon this their favorite topic, and draw particular inferences from it to their advantage, " for by changing the situation" of *Bennington*, " it is made to  
 " comprehend a large part of *Wallumscott*, which  
 " was granted under the seal of this province so  
 " early

“early as the year 1739.” This their scandalous assertion is twice repeated in page 8th. One of the passages is as follows : “Mr. *Ingersoll*, one of the “most eminent counsel of *Connecticut*, and Mr. *Sylvester* of *Albany*, were concerned for the defendants. When these gentlemen found *Breakenridge*’s farm to be within seventeen miles of *Hudson*’s river, and greatly to the westward of what the government of *New-Hampshire* had admitted to be the jurisdiction of *New-York*—they told him that it was impossible to set up any principle for his defence. Accordingly, when his case was brought to trial, he refused to confess the lease, entry and ousture, agreeable to the rule, and the plaintiff being non-suited, obtained judgment in the succeeding *July* term, against the casual ejector.”

THIS is far from being the true state of the case. Sundry causes which had been tried, were determined against the claimants under *New-Hampshire*, and Mr. *Breakenridge* perceived it was expending money to no purpose, to maintain a suit at law against the *New-York* patentees, as they had such a combination of interest with the judges, part of which were interested in the *New-York* subsequent patents which interfered with the grants under *New-Hampshire*, though not in those on trial. This, with many other things too tedious to particularize, was the cause why Mr. *Breakenridge* would not defend the aforesaid suit in trial ; but there was not a word said, (as he informs me) between him and his said attorneys, about his farm’s being within seventeen miles of *Hudson*’s river ; nor is it likely ever such a thing was mentioned in *Albany* county ; the contrary

rary being so well known. Undoubtedly, this was wrote "for the information of government at home," thinking the fallacy would not there be detected it being at so great a distance.

Our authors, page 10th, after giving a narrative of a riotous and tumultuous outrage, committed by the inhabitants of *Bennington*, for which proclamation had issued from the earl of *Dunmore*, against the principal authors of the disturbance "which could not be brought to justice," then they introduce a particular charge against Mr. *Breakenridge*, which is entirely destitute of foundation, viz. That he was one of the principal rioters. To this they join the former calumny of the westward extention of *Bennington*, "by a vote of their town meeting;" and add to both these, the groundless story of Mr. *Breakenridge's* council's inability to set up any principle in his defence, by reason of his being seated "within seventeen miles of *Hudson's* river." "All these fictions blended together, make considerable of a figure, in their own words. "*James Breakenridge* and "*Isaiab Carpenter*, were two of the most inexcusable of all the offenders: the first had seated himself within seventeen miles of *Hudson's* river, where he knew it was impossible, on their own principles, that he could be protected by the *New-Hampshire* claim, he had declined a fair trial, and suffered judgment by default." With respect to Mr. *Breakenridge's* being active in any expeditions (the *New-Yorkers* denominate riots, mobs, felony, &c.) it is well known through the country of the *New-Hampshire* grants, he has not. In the 18th & 19th pages of the appendix, they repeat their former

allegation

aspersions against the inhabitants of *Bennington* in the most virulent and emphatical language—" And " what is still more shameful, they contend, they " arm, they fight for lands, as a part of *Bennington*, " which lies within seventeen miles of *Hudson's river*, " and which the government of *New-Hampshire* ne- " ver claimed, but admitted to be beyond their ju- " risdiction."

As there can be no doubt but these gentlemen really wish these things to be true, and having so frequently repeated them as being so, it is conjectured they by this time begin to believe them, or at least think others may; but that the impartial reader may have the real truth of the matter, the following evidence is exhibited.

" A plan of a township of six miles square (i. e. *Bennington*) lying in his majesty's province of *New-Hampshire*; laid by *Matthew Clesson*, surveyor, *Abraham Bass*, *John Hooker*, *Ezekiel Foster*, and *Samuel Calhoun*, chainmen, in pursuance of an order from his excellency, *Benning Wentworth*, Esq; governor of said province, to Col. *William Williams*, lying six miles north of the province line that was run by Mr. *Richard Hazzen*, between said government and the province of the *Massachusetts-bay*, and twenty miles east of *Hudson's river*, viz. Beginning at a crooked Hemlock tree marked *W. W.* six miles due north, or at a right angle from said province line, said angle commencing at a White-Oak tree in said line marked *M. †† O. F. T.* which tree is twenty-four miles east from *Hudson's river*, allowing one chain in thirty for swag, (which allowance is made through the whole following survey) and from said Hemlock

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or heard of any other line but that, for *Bennington* west line. Further saith not. *Ebenezer Wood.*

Sworn before me in *Hoosick*, the 29th day of *March*, 1774. JOHN MALCOMB, Justice.

## S E C T I O N VIII.

OUR authors in the twenty-seventh and finishing page of their narrative, discover great invention and subtilty, who after giving an account of the unfortunate circumstances of the town of *Hinsdale* which has, say they, "been taken up by a royal mandamus." This township had first been granted by the government of the *Massachusetts*-bay, and upon the settlement of the boundary line between the *Massachusetts* and *New-Hampshire*, in 1739, it fell within the latter, and by them granted, and fully ratified to the inhabitants and proprietors, who in addition to their title, had also the *Indian* right. This township, by the determination of the boundary line between *New-York* and *New-Hampshire*, fell within the jurisdiction of the former, and was by them granted to Col. *Howard*, after it had been settled about seventy years. The assembly of *New-York* in order to screen their government from the imputation of the blame justly due to so reprehensible a conduct, endeavor to palm it on the government at home, see page sixth, with respect to "*Hinsdale*, a township in the south-east corner of *Cumberland* county. Even this is not to be ascribed to our government, it proceeded from a much greater, and the highest authority. A mandamus was produced from the crown, on the report of the board of trade, and  
by

“ by the advice of the privy council, which vested  
“ the grantee with a right of election, an act deci-  
“ sive in itself, and superceding the agency of the  
“ governor and council here, and the usual forms.”

A very extraordinary representation ! The nature of a royal mandamus is diametrically opposite to this interpretation. The right of election in the grantees, is restricted entirely to crown lands which are unappropriated ; in such lands, the grantee has a right of election, and common sense may teach, that neither a mandamus or any other crown grant can subvert the property which the subject holds under the crown by prior grants ; and though there be ever so many alterations in the jurisdiction, sundry of which have perplexed the town of *Hinsdale*, yet this should have no effect on the property of the subjects.—These grantees are likewise withheld from interfering on the right of the *Indian* subjects.—Yet, it seems Col. *Howard* had the vanity to locate his mandamus on the old plantation of *Hinsdale*, which was firstly appropriated by a purchase from the *Indians* ; secondly, by a grant from the government of the *Massachusetts*-bay, and thirdly, by the government of *New-Hampshire*, and fourthly, by an uninterrupted possession and occupancy about seventy years.

THE subterfuge the gentlemen make use of to rid their government from dishonor, in making this last grant of *Hinsdale*, is very extraordinary ; it seems not well calculated “ to be transmitted for the information of the government at home !” who are undoubtedly competent judges of their own mandamus’s, and no doubt will easily discern their last

error to be worse than the first. Such preposterous granting of lands, is criminally injurious to the subject, as it never fails to embarrass the different claimants with many concomitant difficulties. Yet, still to cast the blame due to their government, on the king's mandamus, is more daringly injurious to the highest authority in the nation.

LASTLY, the manner of redress prescribed for the sufferers, viz. the old proprietors of *Hinsdale*, is the most shocking piece of contrivance, page 27, "*Hinsdale*, a small township which has lately been taken up by virtue of a royal mandamus, is alone unfortunate—but even here the possessors may be relieved, by a suitable compensation, equal to the value of their improvements in crown lands, free from the expence of fees." These gentlemen in their great clemency have also conceded that the *New-Hampshire* settlers in general may be thus considered, "on the same terms, may be assigned to each of those who are seated on the soil, actually appropriated to others by the government of *New-York*, and the possessions of which cannot for that reason be confirmed; such a proportion of crown lands as the governor and council shall judge to be adequate to their respective improvements."

THEN they proceed to describe the tract, "a fertile and extensive country, in the northern part of the county of *Charlotte*, and between *Connecticut*-river and lake *Champlain*, still remains unpatented by their government, and might be planted and cultivated by these people:—"What a surprising condescension this! the posterity of the original proprietors of *Hinsdale*, especially, to be allowed the privilege

privilege to pull up stakes, quit their farms and possessions, houses, orchards, &c. and join company with the *New-Hampshire* settlers in general, and trudge off to the north-east part of the wilderness of *Charlotte*, and there commence another settlement, leaving their pleasant habitations, fields, tenements, and country, in exchange for a howling wilderness; a pretty exchange!—and this to gratify a number of *New-York* cormorants. But, let's stop a little and consider—whether it would not be more righteous to change the scene, and to the *New-York* patentees remove their patents, that interfere with the *New-Hampshire* grants, and lay them in the wilderness of *Charlotte*, as neither government have appropriated it.

A sufficient reason to be offered in favor of the latter of these projects, is, that the settlers under *New-Hampshire*, are in deed, and in truth the lawful owners and proprietors of the lands they possess, as, 'tis apprehended, has been fully demonstrated in the preceding sections. Although these gentlemen have in the course of their narration, flung out very extraordinary hints of rewarding his majesty's soldiery, by the distribution of those lands, yet they may here again be reminded, (which may further serve as the above reason) that his majesty's proclamation directed the soldiery to make their pitches on unappropriated and vacant lands, this therefore they must do, at the hazard of losing their grants or re-pitching. For those lands which being antecedently granted by the crown, by the agency of the governor and council of *New-Hampshire*, must forever exclude the soldiery from pitching thereon; and  
put

put it entirely out of the power of the government of *New-York*, or the crown, to grant them to a second person. And when it is considered, that the *New-York* land-jobbers have, long since purchased great part of the soldiery rights, and that for a mere trifle, and laid them out of themselves, at their own risk; their arguments on that subject cannot contribute greatly to the removal of the *New-Hampshire* settlers, to the exterior part of *Charlotte*.

Our authors have given a tedious history of the suits at law, which have been commenced by the *New-York* patentees, against the claimants and occupants under *New-Hampshire*, and have exhibited many specious appearances of fairness, equity, and impartiality in their trials. However, the reader must observe, that in every of those, so boasted of candid trials, the defendants, by the result, were to be dispossessed of their farms. They then continue to tell of the entire satisfaction of the vanquished, (together with such of the *New-Hampshire* claimants as attended the courts) relative to the validity of the *New-York* title.—Soon after this, they give a surprising account of riots and outrages, committed by these settlers, and mention *Allen* by name, (who they say, but a little before was so fully persuaded of the validity of the *New-York* title) as one of their leaders. This narrative is in itself incredible, it cannot be supposed, that men who were convinced, they had had an impartial trial at law, and of the insufficiency of their own title, and the authenticity of that of their opponants, would rally to arm, in defiance of legal authority, and in defence of their own invalid title; especially, after they had publicly de-  
clared

clared their own sentiments concerning that matter.

Now follows another quotation from our authors, which is no less than a barefaced insult on those inhabitants, and one of the boldest of misrepresentations. " If the *New-Hampshire* claimants imagined that they were aggrieved by the decisions of our judges; the means of redress were in their own power ; and they ought to have sued their writs of error, and in the legal and ordinary mode, to have referred their cause to the final sentence of his majesty. But to expect a remedy incompatible with the administration of justice, and the rights of the subject either bespeak the greatest ignorance or presumption."

COULD they once get this established, that there should be no access to his majesty or trial, but in this " ordinary mode," it would no doubt, be to their entire satisfaction ; trials in that government would then easily become decisive ; for in no case wherein the demand of the plaintiff is below the sum of five hundred pounds, a writ of error in favour of the defendant can issue. And the *New-York* attorneys who compiled the *New-York* statings, and are also patented under that government, well knew that every action brought against the *New-Hampshire* claimants has been designedly laid below that sum. Yet they were possessed of that extreme boldness to aver in express terms, that " if the *New-Hampshire* claimants imagined that they were aggrieved by the decisions of their judges, their means of redress were in their own power," i. e. by way of a writ of error.

THERE is nothing exhibited in this *New-York* pamphlet which more sensibly deserves resentment than their pretensions of indulgencies, favors, &c. conferred on these claimants by that government—  
 “To the honor of the government of *New-York*, it  
 “may justly be asserted, that the *New-Hampshire*  
 “claimants have received every mark of favor and  
 “indulgence which the circumstances permitted.”  
 Such hypocrisy debases human nature, is the pest of society, partakes of falshood and treachery; and what renders it peculiarly vile is that it usurps the seat of virtue, and destroys faith in communities, and is the source of cruel jealousy. Had the government of *New-York* been truly friendly to those settlers, it had been returned again; and mutual good will supplied the place of hatred and strife. But alas! so long as the fee of the country of the *New-Hampshire* grants is the object in view, by the government of *New-York*, how it is possible for peace and good order to take place, can’t well be conceived. Well would it be for that government, and infinitely better for the settlers under *New-Hampshire*, were they annexed to some other government; but they say, no. Query, why? The answer is easy. They would then loose sight of the aforesaid desirable object: otherwise, surely they would be glad to part with such rebellious subjects as they represent them to be. For the truth no doubt is, that they are in hopes some better fortune may in future attend them. And that they can take and execute some of the leading men among these inhabitants; and so frighten and impote on the rest; and finally, by this means avail themselves of their estates and subjugate

gate the country. This is all they can desire in continuing it under their jurisdiction. That they have in reality a view to this, will further appear by some memorable sentences recorded in the 25th page of their appendix. "We may," say they, "readily conceive, that *Breakenridge* and his party, have a-  
 "bundant reason to wish for an alteration of jurisdic-  
 "tion. The public crimes and private wrongs  
 "which they have perpetrated, must make them  
 "look forward to the hour of tranquility, with the  
 "most anxious apprehensions. The injured may  
 "then demand satisfaction for all their sufferings—  
 "An attonement must then be made to the coun-  
 "try, for the violation of its laws." Here the *New-Hampshire* settlers may read their intended doom, in consequence of the ability of the government of *New-York*. And one reason why this government have not already destroyed the inhabitants of the *New-Hampshire* grants, with fire and sword, is their want of ability; and this inability, in great part, consists in this, that the common people in the government, are universally of opinion that the inhabitants have a good right to those lands, and should not be molested in the peaceable enjoyment of them, and consequently will not assist their civil officers in taking possession of their tenements, or them as rioters. That they are no further turbulent than what is necessary to defend their persons and properties, from the cruelty and monopoly of their rulers. This is the ground of all the lenity, forbearance and indulgence of that government towards those inhabitants; and it is hoped, if these excessive favors should be passed over without their thanks, they may yet be excused for the neglect.

As

As the design of this section was, in a concise manner, to point out some of the most notorious extravagancies of the government of *New-York*, the subject can't with propriety be passed over, without taking a short review of the forementioned laws of that colony, which are the most apparent portraiture of their horrid malevolent and caprice. Passing these laws, which are evidently calculated with a design of extirpating the inhabitants, by them laws alluded to from their goodly land, nay, from the face of the earth ; is no less than lavishly foaming out their own shame ; laws that ought, and are contemned and disregarded by every lover of virtue. Laws and society-compacts were originally designed to protect the subjects in their property. Loyalty and subordination to such government, is essentially necessary for the good of society, and all good and liege subjects will support such laws and legislators. But, as in the present instance, when laws in their original design and administration, are degenerated from the good ends for which laws and government were instituted, terminating in the ruin and destruction of the society it should secure and protect, from the same principles, viz. self-preservation, the subjects are obliged to resist and depose such government. And, inasmuch as those laws, together with some remarks on them, are to be seen in the narrative part of this performance, shall therefore conclude, with leaving the reader, from his own meditations, to pass such sentence concerning this matter as may appear reasonable.

S E C T I O N IX.

It may be of some moment, towards the close of this treatise, to exhibit a number of special motives which induced those inhabitants to prosecute settlements on the controverted premises. As,

FIRST, On the good faith of his majesty's grants, by the agency of the government of *New-Hampshire*, the validity of which has been sufficiently argued. And,

SECONDLY, by engagement from a proclamation by his late excellency *Benning Wentworth*, which for the more public information, is here inserted.

By his Excellency, BENNING WENTWORTH, Esq;  
Captain-General, Governor and Commander in  
Chief of His Majesty's Province of *New-Hampshire*, in *New-England*, &c.

A P R O C L A M A T I O N.

*WHEREAS* his honor, CADWALADER GOLDEN, Esq; lieutenant governor, and commander in chief of his majesty's province of *New-York*; hath lately issued a proclamation, of a very extraordinary nature, setting forth, that king CHARLES the second, on the 12th day of March, 1663-4, and on the 20th of June, 1674, did, by his several letters patent, of those dates, grant in fee to his brother, the duke of York, among other things, all the land from the west side of Connecticut-river to the east side of Delaware-bay; and therein also set forth, and describes the bounds of *New-Hampshire*; in which description there is a very material mistake; besides, there is omitted the fact on which the description of *New-Hampshire* depended viz.

*His majesty's determination of the north and western boundaries of the province of the Massachusetts-Bay, in 1739. And nothing can be more evident than that New-Hampshire may legally extend her western boundary as far as the Massachusetts claim reaches, and she claims no more ; but New-York pretend to claim even to the banks of Connecticut-river, although she never laid out and settled one town in that part of his majesty's lands, since she existed as a government.*

*When New-York government extends her eastern boundary to the banks of Connecticut-river, between New-York and the colony of Connecticut ; and to the banks of said river, between New-York and the province of the Massachusetts-Bay, it would have been full early for New-York to declare that the government of New-Hampshire was fully apprised of the right of New-York, under the before recited letters patent to the duke of York. In virtue of the final determination of the boundary lines settled by his late majesty between this government and the Massachusetts-Bay, all the lands capable of settlements, have been erected into townships, agreeable to his majesty's commands, and a considerable revenue is daily arising to the crown, unless interrupted and impaired by his honor's proclamation, which New-Hampshire will not be answerable for.*

*At present the boundaries of New-York to the northward, are unknown, and as soon as it shall be his majesty's pleasure to determine them, New-Hampshire will pay ready and chearful obedience thereunto, not doubting but that all grants made by New-Hampshire that are fulfilled by the grantees, will be confirmed to them, if it should be his majesty's pleasure to alter the jurisdiction.*

*For political reasons, the claim to jurisdiction by New-York, might have been deferred, as well as the strict injunction on the civil power, to exercise jurisdiction in their respective functions, as far as the eastern banks of Connecticut-river.*

*The said proclamation carrying an air of government in it, may possibly effect and retard the settlement of his majesty's lands, granted by this government. For preventing an injury to the crown of this kind, and to remove all doubts that may arise to persons holding the king's grants, they may be assured, that the patent to the duke of York is obsolete, and cannot convey any certain boundary to New-York, that can be claimed as a boundary, as plainly appears by the several boundary-lines of the Jerseys on the west; and the colony of Connecticut on the east, which are set forth in the proclamation, as part only of the land included in the said patent to the duke of York.*

*To the end therefore, that the grantees now settled and settling on those lands, under his late and present majesty's charters, may not be intimidated, or any way hindered or obstructed in the improvement of the lands so granted, as well as to ascertain the right, and maintain the jurisdiction of his majesty's government of New-Hampshire, as far westward as to include the grants made :*

**I** HAVE thought fit, by and with the Advice of His Majesty's Council, to issue this Proclamation, hereby encouraging the several grantees, claiming under this government, to be industrious in clearing and cultivating their lands, agreeable to their respective grants.

AND I do hereby require and command all civil officers within this province, of what quality soever, as well those that are not, as those that are inhabitants on the said lands, to continue and be diligent in exercising jurisdiction in their respective offices, as far westward as grants of land have been made by this government; and to deal with any person or persons, that may presume to interrupt the inhabitants or settlers on said lands, as to law and justice doth appertain, the pretended right of jurisdiction mentioned in the aforesaid proclamation notwithstanding.

*Given at the Council Chamber in Portsmouth, the 13th Day of March, 1764, and in the Fourth Year of His Majesty's Reign.*

B. WENTWORTH.

By His Excellency's Command,  
with Advice of Council,  
T. ATKINSON, jun. Sec'y.

G O D S A V E T H E K I N G.

A THIRD and weighty enducement to the settlement of those lands, was argued from his majesty's express order, prohibiting the government of New-York from granting any of those lands in dispute, which is as follows.

*At a Court at St. James's, the Twenty-Fourth Day of July, 1767.*

Present, the KING's most excellent Majesty.  
Archbishop of Canterbury, Earl of Shelborne,  
Lord Chancellor, Viscount Falkmouth,  
Duke of Queensborough, Viscount Barrington,  
Duke of Newcastle, Viscount Clarke,  
Lord Chamberlain, Bishop of London,

Earl

Earl of *Litchfield*,  
Earl of *Bristol*,

Mr. Secretary Conway,  
Hans Stanley, Esq;

“ His majesty taking the said report” i. e. a report of the board of trade,—“ into consideration,  
“ was pleased with the advice of his privy council,  
“ to approve thereof, and doth hereby strictly charge,  
“ require and command, that the governor or commander in chief of his majesty’s province of *New-York*, for the time being, do not, upon pain of his majesty’s highest displeasure, presume to make  
“ any grant whatsoever, of any part of the lands described in the said report, until his majesty’s  
“ further pleasure shall be known concerning the  
“ same.

A true Copy,

*William Sharp.*

Attest

GEO. BANYAR, Dep. Secr.

A FOURTH and last special motive for the carrying on, and extending those settlements, was from a report of the lords of trade, as follows.

EXTRACT from a Report of the Lords of Trade, to the Committee of his Majesty’s most Honorable Privy Council, for Plantation Affairs, dated *December 3d, 1772.*

“ UPON the fullest examination into all the circumstances which at present constitute the state of  
“ that district between the rivers *Hudson* and *Connecticut*; out of which the greatest disorders and  
“ confusion have arisen. It seemeth to us, that the  
“ principal objects of attention in the consideration  
“ of any measures that can be suggested for restoring  
“ public tranquillity, and quieting possessions, are,  
“ FIRST, those townships which having been originally settled and established under grants from  
“ the

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“ consideration ought to be had to any claim, where it shall  
 “ appear that no regular possession has ever been taken, and  
 “ no actual settlement ever been made.

“ With regard to those townships which fall within the  
 “ last mentioned description, we submit to your lordships  
 “ our opinion, That provided such townships do not include  
 “ lands within the limits of some antecedent grant, upon  
 “ which actual improvement has at any time been made, it  
 “ would be advisable they should be confirmed as town-  
 “ ships, according to the limits expressed in the grants there-  
 “ of; and that all persons having possession of any shares in  
 “ the said townships, either as original grantees, or by pur-  
 “ chase or conveyance, and upon which shares any actual  
 “ improvement or settlement has been made, ought not in  
 “ justice to have been, or to be in future, disturbed in the  
 “ possession of such shares; nor ought they to be bound to any  
 “ other conditions, whether of quit rent or otherwise, than  
 “ what is contained in the grant.”

THESE inducements are indisputably authoritative, and  
 need no commentation: Yet notwithstanding the priority  
 and preference of the *New-Hampshire* title to that of *New-  
 York*, and the so many corroborating and concomitant in-  
 ducements to the claimants under the former, to settle and  
 cultivate those lands; yet the assembly of *New York*, in sun-  
 dry parts of their state of the right, &c. and more particular-  
 ly through the appendix, treat these inhabitants, merely on  
 account of such settlement, with the most extreme injury;  
 who, instead of arguing, only declaim against them, and go  
 on in a gradation of consequences drawn from false premises,  
 till they have dragged them from their true character of ho-  
 nest men, to that of usurpers, rioters, and felons. Although  
 the quotations from our authors have already been lengthy,  
 yet that a precedent of their injustice may not here be want-  
 ed, the following, from the third page of their appendix is  
 inserted.

“ BUT though the same principles have been explained,  
 “ and enforced in several acts and proclamations of govern-  
 “ ment, as well as on repeated trials in our courts of judica-  
 “ tory,

"tory, they have left no suitable impression on the conten-  
 "tions claimants under *New-Hampshire*. On the contrary,  
 "in contempt of the dictates of justice, the decisions of law,  
 "and the civil authority, have their encroachments, which  
 "were few in number at the time of the royal determinati-  
 "on, been increased and extended in a tenfold proportion;  
 "and that in general by men, who cannot plead that they  
 "were deceived or ignorant of the nature or merit of their  
 "claim, which it appears, were too notorious to have ef-  
 "fected their observation, but who in spite of every warn-  
 "ing and remonstrance to deter them, which human pru-  
 "dence could devise, engaged as volunteers on the side of  
 "*New Hampshire*, and wilfully plunged themselves into the  
 "controversy. To extenuate their own indiscretion and  
 "misconduct, calumny and misrepresentation are their only  
 "resource; and accordingly without the least reason, they  
 "charge the government of *New York* with partiality, and  
 "every land holder under it, upon whom they have tres-  
 "passed, with injustice and oppression; asserting, that  
 "because they have sanctified their claim by a wrongful  
 "possession, they ought peaceably to enjoy the fruits of their  
 "usurpation. To mortify their pretensions they have spar-  
 "ed no art or act of violence, however criminal; and after  
 "all, as if they were really injured, and the objects of regard,  
 "they do not hesitate to carry their complaints to the  
 "throne, and by special agents to solicit some extraordinary  
 "act of favor, by which their offences may be passed over  
 "with impunity, and their encroachments perpetuated in  
 "prejudice to those who enjoy a clear title from the crown,  
 "under the great seal of *New-York*."

As this clamorous quotation is already mostly answered,  
 shall only remark, as to those settlers extending their en-  
 croachments in a ten-fold proportion, since the royal deter-  
 mination. It hath been fully evinced that this determina-  
 tion respected jurisdiction only, and the before recited royal  
 order and report of the board of trade, were accounted suffi-  
 cient to exclude all manner of doubts in the minds of the  
*New Hampshire* claimants of the validity of their title. They

truly cannot plead that "they were deceived or ignorant of the nature or merit of their claim." This matter was elucidated by the highest wisdom and authority in the nation; they rejoice in the clemency of their sovereign, and in the wisdom and impartial justice of the honorable board of trade, exhibited as aforesaid, upon which encouragement those claimants have greatly extended settlements on those lands in a more special manner on *Onion river* and lake *Champlain*, between the township of *Panton*, which abuts on the lake opposite *Crown Point*, and the said river, and north of it almost to the forty-fifth degree of north latitude, and preparations are vigorously making to extend these settlements to the very bounds of the province of *Quebec*. It is seldom any new country settles with such rapidity, notwithstanding the oppositions they meet with from the government of *New York*: The expence of clearing roads, building mills, moving to and settling in that wilderness country only for two years last past, would amount to no very inconsiderable sum. And those settlers from the foregoing reasons, do not in the least hesitate, but that they in so fulfilling the conditions of their charters, have and are acting agreeable to his majesty's will and pleasure; and that those labours will not only be for their own emolument, but for the enlargement of the British empire, and addition of the crown revenue.

THE assembly of *New York* have been very particular in their history of the tumults and riots made by those settlers, in opposition to that government, (many of which facts must be confessed to be true) though they have carefully omitted their manifold provocations, yet, with all their particularity have given but a very imperfect idea of those transactions. I shall here therefore, waving particulars, give a general review of the economy of those settlers in their oppositions to that government. For defending their properties, they were indicted rioters, the next thing was to defend rioters; then they had two objects of protection, viz. their persons, as well as property: They were at first greatly intimidated at the empty appearance of law, that their oppo-

nents

nents were so conversant with, sometimes despairing of maintaining their possessions; yet upon extremity, rather than quit their substance to the insatiable ravishers, would rally and frustrate their designs: Thus, when the sheriff of the county of *Albany* with his posse came to dispossess some of them, they most generally, boldly took up arms and appointed leaders. Matters having come to this, not long after, the inhabitants assembled and appointed committees of safety in the several towns throughout their settlement; this general committee have the conducting of the public affairs of the country for its security, till his majesty settles the controversy. They have erected several companies, which by the votes of the soldiers are furnished with officers; these companies form a regiment which are known by the significant character of *green mountain boys*, who are generally in the prime of life, well versed in the use of fire arms, and of robust constitutions; probably no American regiment in an interior defence could excel them, or that would willingly contribute to the support of the crown of *Great-Britain*; for it is observable, that such subjects that will not fight for their property, will never fight for their king. And, the general instructions from the committee, ever have been, not to act in any thing against the government of *New York*, but on the defensive.

It is in the nature of things impossible to pass a right judgment on the conduct of the *New Hampshire* settlers, without taking into view the treatment of the government of *New York* towards them. All cases must be determined upon the peculiar circumstances attending; no act can scarcely be conceived of, which, under certain attending circumstances might not be lawful. It will be readily admitted on the part of those settlers, that, provided the government of *New York*, and its patentees have a clear and incontestible right to those lands; and that they are intruders, and by force and violence have maintained such encroachments, then, they are truly guilty, in manner as the assembly of *New York* have alledged. But on the contrary, if those settlers have a legal and incontestible right to those lands,

lands, that they prosecute settlement on the good faith of that title, and the sundry approbations of both their title and settlement from the British administration, then, they are not guilty in manner as those gentlemen have declared; and the impartial public, instead of viewing them as usurpers, rioters and felons, will justify them in their conduct, and esteem them as good members of society, leige subjects to the crown of *Great Britain*, and good soldiers for defending their persons and properties.

THUS, is humbly submitted the state of the controversy, which has for many years subsisted between the government of *New-York* and the settlers under *New-Hampshire*; by impartial justice must every act stand or fall; if those settlers are in the wrong, they are criminally so, but if not, then the allegations of their opponents will be adjudged as futile and cruel.

## F I N I S.

ERRATA.—P. 38. l. 21. read specious.—P. 49. l. 3. r. specious.—P. 49. l. 25. r. depending.